



Tr.CMP.(MD)No.190 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.190 of 2023

and

C.M.P.(MD)No.4159 of 2023

M.Bavithra

.. Petitioner

Vs.

S.Hariganesh @ Harris

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.35 of 2023 on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.N.Pragalathan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.35 of 2023 on the file of the Family



Tr.CMP.(MD)No.190 of 2023

Court, Chengalpattu and transfer the same to the file of the Family Court, Srivilliputhur, Virudhunagar District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.01.2019 at Sri Meenkashi Amman Wedding Hall, Sivakasi as per the Christian Rites and Customs. Out of the wedlock, a male child, named Jeswin Kasbar, was born on 30.10.2019.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has filed the proceeding in I.D.O.P.No.35 of 2023 on the file of the Family Court, Chengalpattu seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



Tr.CMP.(MD)No.190 of 2023

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Thiruthangal, Virudhunagar District under the care of her mother. The distance between Thiruthangal and Chengalpattu is around 475 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the five year old child. He would further submit that the petitioner's child is suffering from Spectrum Disorder-Autism having permanent physical impairment of 80% and Intellectual Disability having permanent physical impairment of 70%. Hence, she seeks transfer of proceeding in I.D.O.P.No.35 of 2023 from the file of the Family Court, Chengalpattu to the file of the Family Court, Srivilliputhur.

7. It is well settled proposition of law that whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into, and the wife's convenience shall be given preference.

8. Considering the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.190 of 2023

WEB COPY 9. The learned Judge, Family Court, Chengalpattu is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.35 of 2023 to the file of the Family Court, Srivilliputhur within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Srivilliputhur, Virudhunagar District is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

25.10.2024

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.190 of 2023

P. VADAMALAI, J.

mkn

To

- 1.The Family Court,
Chengalpattu
- 2.The Family Court,
Srivilliputhur, Virudhunagar District

Tr.CMP.(MD)No.190 of 2023
and
C.M.P.(MD)No.4159 of 2023

25.10.2024