



Tr.CMP.(MD)No.225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.225 of 2024

and

C.M.P.(MD)No.5015 of 2024

Divya

.. Petitioner

Vs.

N.Amirtharaj

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.13 of 2024 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.P.Sivachandran

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.13 of 2024 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Theni.



Tr.CMP.(MD)No.225 of 2024

WEB COPY

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.07.2020 at Arulmigu Murugan Temple, Narasingam, Madurai as per Hindu Rites and Customs. Out of the wedlock, a male child was born on 04.07.2021.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.13 of 2024 on the file of the Sub Court, Melur, Madurai District seeking divorce. The petitioner/wife has also initiated the proceeding in H.M.O.P.No.118 of 2024 on the file of the Family Court, Theni 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.225 of 2024

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Andipatti, Theni District. The distance between Theni and Madurai is around 300 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the 3 year old child. Hence, she seeks transfer of proceeding from the file of the Sub Court, Melur to the file of the Family Court, Theni.

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.

9. The learned Judge, Sub Court, Melur, Madurai District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.13 of 2024, to the file of the Family Court, Theni within a period of three weeks



Tr.CMP.(MD)No.225 of 2024

from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Theni is directed to take the case on file and dispose of the same in accordance with law.

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

12.09.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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Tr.CMP.(MD)No.225 of 2024

P. VADAMALAI, J.

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To

- 1.The learned Judge, Sub Court,
Melur, Madurai District
- 2.The learned Judge, Family Court,
Theni District

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and
C.M.P.(MD)No.5015 of 2024

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