



Tr.CMP.(MD)No.239 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.239 of 2024

and

C.M.P.(MD)No.5387 of 2024

S.Agalya

.. Petitioner

Vs.

R.Gnanapandi

.. 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. 5130 of 2023 on the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Palmurugan

For Respondent : Mr.C.Mayilvahana Rajendran



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.5130 of 2023 on the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.11.2014 at Maharajan Ambalam and Rajammal Marriage Hall, Madurai District as per Hindu Rites and Customs. Thereafter, both parties have started their matrimonial life at Kolkata, where the respondent/husband was working at the time of marriage. Out of the wedlock, a male child, namely Vidhun, was born.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.739 of 2023 on the file of the Family Court, Madurai seeking divorce. The respondent/husband has initiated the proceeding in H.M.O.P.No.5130 of 2023 on the file of the VI Additional Family Court, Chennai seeking restitution of conjugal rights. Now, the respondent/husband has also



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initiated the proceeding in G.W.O.P.No.182 of 2024 on the file of the Family Court, Madurai.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Munisalai, Madurai District, and the child is in the custody of the petitioner/wife. The distance between Madurai and Chennai is around 1000 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the child. Hence, she seeks transfer of proceeding from the file of the VI Additional Family Court, Chennai to the file of the Family Court, Madurai.

6. The learned counsel for the respondent would submit that the respondent/husband is now working at Vijayawada, Andhra Pradesh. It would be very difficult for him also to travel from Vijayawada to Madurai for attending every Court hearing if the proceeding is transferred to the file of the Family Court, Madurai. Hence, he prays for dismissal of this petition.



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7. Taking into consideration of the overall facts and circumstances of the case, and considering the fact that already the proceeding in G.W.O.P.No.182 of 2024 initiated by the respondent/husband is pending on the file of the Family Court, Madurai, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.

8. The learned Judge, VI Additional Family Court, Chennai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.5130 of 2023 to the Family Court, Madurai 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, Madurai is directed to take the case on file and dispose of the same in accordance with law.

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

30.08.2024

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Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, VI Additional Family Court,
Chennai
- 2.The learned Judge, Family Court,
Madurai

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and
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