



Tr.CMP.(MD)No.254 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.254 of 2024

and

C.M.P.(MD)No.5915 of 2024

Jeevitha

.. Petitioner

Vs.

Namakodi Narayanan

.. 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. 116 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.P.Sepana @ Sree

For Respondent : Mr.V.Vishnu



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.116 of 2024 on the file of the Family Court, Theni 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 11.04.2016 at Veerapandi Uravin Murai Makkal Mandram, Theni District as per Hindu Rites and Customs. Out of the wedlock, a female child, namely Dhiya, was born on 03.04.2018.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.116 of 2024 on the file of the Family Court, Theni seeking restitution of conjugal rights.

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



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5. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Karumathoor, Usilampatti Taluk, Madurai District. The distance between Karumathoor and Theni is around 50 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the 7 year old female child. Hence, she seeks transfer of proceeding from the file of the Family Court, Theni to the file of the Family Court, Madurai.

6. The learned counsel for the respondent would submit that the respondent/husband is doing fertilizer business at Theni, and it would be very difficult for him to travel from Theni to Madurai, if the proceeding in H.M.O.P.No.116 of 2024 is transferred to the file of the Family Court, Madurai.

7. Taking into consideration of the overall facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.



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8. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.116 of 2024 to the file of 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, Family Court,
Theni
- 2.The learned Judge, Family Court,
Madurai

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and
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