



Tr.CMP.(MD)No.256 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.256 of 2024

and

C.M.P.(MD)No.5919 of 2024

M.Rajarajeswari

.. Petitioner

(Address of the sole petitioner is amended as per the order of this Court, dated 29.04.2024 made in C.M.P.(MD)No.6348 of 2024 in Tr.C.M.P.(MD)No. 256 of 2024 by PDAJ)

Vs.

K.Balamurugan alias Karthick

.. 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. 149 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Virudhunagar to try along with H.M.O.P.No.49 of 2024.



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For Petitioner : Mr.I.Suthakaran

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.149 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Virudhunagar to try along with H.M.O.P.No.49 of 2024.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.07.2021 at Arulmigu Subramaniya Swamy Thirukovil, Thiruparankundram, Madurai.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.149 of 2024 on the file of the Family Court, Madurai seeking divorce. The petitioner/wife has initiated the proceeding in H.M.O.P.No.49 of 2024 on the file of the Sub Court, Virudhunagar seeking restitution of conjugal rights.



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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.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her mother at Virudhunagar Taluk and District. The distance between Virudhunagar and Madurai is around 60 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing as there is no male member in her family to assist and to accommodate her during the travel. Hence, she seeks transfer of proceeding from the file of the Family Court, Madurai to the file of the Sub Court, Virudhunagar.

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.



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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, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.149 of 2024, to the file of the Sub Court, Virudhunagar 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, Sub Court, Virudhunagar is directed to take the case on file, and hear the case along with H.M.O.P.No.49 of 2024 and dispose of both the cases in accordance with law.

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

11.09.2024

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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,
Madurai
- 2.The learned Judge, Sub Court,
Virudhunagar

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and
C.M.P.(MD)No.5919 of 2024

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