



Tr.CMP.(MD)No.252 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.252 of 2024

and

C.M.P.(MD)No.5902 of 2024

P.Barakath Nisha

.. Petitioner

Vs.

Nazurudeen

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.3 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.I.Pinaygash

For Respondent : No Appearance



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.S.No.3 of 2024 on the file of the Family Court, Sivagangai 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 05.11.2017 at Vandiyur, Madurai.

3. Due to disputes and differences, the parties have separated, and the the petitioner/wife has initiated the proceeding in M.C.No.17 of 2022 on the file of the Family Court, Madurai seeking maintenance. Subsequently, the respondent/husband has initiated the proceeding in O.S.No.3 of 2024 on the file of the Family Court, Sivagangai 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.



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WEB COPY 5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Melamadai, Madurai District. The distance between Madurai and Sivagangai is around 45 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a distance for attending every Court hearing. Hence, she seeks transfer of proceeding from the file of the Family Court, Sivagangai to the file of the Family Court, Madurai.

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

8. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records, pertaining to the case in O.S.No.3 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.



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WEB COPY 9. Accordingly, the 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,
Sivagangai

2.The learned Judge, Family Court,
Madurai

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and

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