



Tr.CMP.(MD)No.264 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.264 of 2024

and

C.M.P.(MD)No.6046 of 2024

Lourdhu Shiny Nymphen

.. Petitioner

Vs.

Antony Jerin John

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.1086 of 2024 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.C.Ezhilarasu

For Respondent : Mr.J.Antony Jesus

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.P.No.1086 of 2024 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Tirunelveli.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.10.2022 at St. Fathima Annai Church, Valliyur, Tirunelveli District.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in O.P.No.1086 of 2024 on the file of the Family Court, Chennai seeking divorce.

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 now residing at Valliyur, Tirunelveli. The distance between Valliyur and Chennai is around 650 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in O.P.No.1086 of 2024 from the file of the Family Court, Chennai to the file of the Family Court, Tirunelveli.



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6. The learned counsel for the respondent would submit that his client, who is working at Chennai, has no objection to this petition, if the case is transferred to the file of the Family Court, Thoothukudi instead of Tirunelveli. He would further submit that the distance between the petitioner's place of residence and Tirunelveli is around 60 Kms, and the distance between the petitioner's place of residence and Thoothukudi is around 90 Kms. The petitioner, being the resident of Valliyur, will not find it difficult to travel to Thoothukudi, which is only a few kilometers from Tirunelveli. Hence, he seeks transfer of proceeding in O.P.No.1086 of 2024 from the file of the Family Court, Chennai to the file of the Family Court, Thoothukudi, for which, the learned counsel for the petitioner has not raised any serious objection.

7. Considering the submissions made by the learned counsel on either side, and also considering the above facts and circumstances of the case, this Court is inclined to transfer the proceeding in O.P.No.1086 of 2024 from the file of the Family Court, Chennai to the file of the Family Court, Thoothukudi.



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8. The learned Judge, Family Court, Chennai is directed to transmit the entire records, pertaining to the case in O.P.No.1086 of 2024, to the file of the Family Court, Thoothukudi 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, Thoothukudi is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

23.10.2024

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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 Family Court,
Chennai

2.The Family Court,
Thoothukudi

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and
C.M.P.(MD)No.6046 of 2024

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