



Tr.CMP.(MD)No.271 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.271 of 2024

and

C.M.P.(MD)No.6138 of 2024

Padma @ Vidhya

.. Petitioner

Vs.

J.Varadharajan

.. 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.3 of 2024 on the file of the Sub Court, Cheyyar and transfer the same to the file of the Family Court, Madurai.

For Petitioner : M/s.Lakshmi Gopinathan
for M/s.Polex Legal Solutions

For Respondent : Mr.S.Nesamani

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.3 of 2024 on the file of the Sub Court, Cheyyar, Tiruvannamalai District and transfer the same to the file of the Family Court, Madurai.



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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 31.05.2012 at Madurai as per the Hindu Rites and Customs. Out of the wedlock, two female children, named Sri Harini and Anushka, were born on 06.04.2013 and 25.12.2015 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.3 of 2024 on the file of the Sub Court, Cheyyar 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 with her children at her brother's home in Duraisamy Nagar, Madurai. The distance between the petitioner's place of residence and Cheyyar is around 400 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of



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proceeding in H.M.O.P.No.3 of 2024 from the file of the Sub Court, Cheyyar to the file of the Family Court, Madurai.

6. The learned counsel for the respondent would submit that the respondent, being the bank employee and the permanent resident of Cheyyar, would also be put to much hardship, if the proceeding in H.M.O.P.No.3 of 2024 is transferred from the file of the Sub Court, Cheyyar to the file of the Family Court, Madurai. Hence, he would further request this Court to transfer the proceeding to the file of any Court at Trichy.

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.

8. Considering the overall facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



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9. The learned Judge, Sub Court, Cheyyar, Tiruvannamalai District is directed to transmit the entire records, pertaining to the case in H.M.O.P.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 as expeditiously as possible in accordance with law.

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

14.10.2024

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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 Sub Court,
Cheyyar, Tiruvannamalai District

2.The Family Court,
Madurai

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