



Tr.CMP.(MD)No.256 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.256 of 2023

and

C.M.P.(MD)No.5722 of 2023

M.Bhuvaneswari

.. Petitioner

Vs.

P.Venkatesan

.. 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. 127 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Srivilliputhur.

For Petitioner : Mr.Y.Prakash

For Respondent : Mr.G.Thiruvarutselvan



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.127 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Srivilliputhur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.11.2012 at Thiruparankundram Arulmighu Subramanian Thirukovil as per Hindu Rites and Customs. Out of the wedlock, a female child was born on 27.10.2014.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.127 of 2023 on the file of the Family Court, Madurai seeking divorce.

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



Tr.CMP.(MD)No.256 of 2023

WEB COPY

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her parents along with her child at Rajapalayam, Virudhunagar District. The distance between Rajapalayam and Madurai is around 85 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every hearing along with the female child. Hence, she seeks transfer of proceeding from the file of the Family Court, Madurai to the file of the Sub Court, Srivilliputhur.

6. The learned counsel for the respondent has raised serious objection to this transfer petition, and has submitted that the respondent has already initiated the proceeding in G.W.O.P.No.76 of 2023 and the same is pending on the file of the Principal District and Sessions Court, Srivilliputhur.

7. Considering the facts and circumstances of the case, and taking note of the fact that the proceeding in G.W.O.P.No.76 of 2023 filed by the respondent/husband is already pending on the file of the Principal District and Sessions Court, Srivilliputhur, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.



Tr.CMP.(MD)No.256 of 2023

8. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.127 of 2023 to the file of the Sub Court, Srivilliputhur 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, Srivilliputhur 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.

29.08.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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Tr.CMP.(MD)No.256 of 2023

P. VADAMALAI, J.

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To

- 1.The learned Judge, Family Court,
Madurai
- 2.The learned Judge, Sub Court,
Srivilliputhur

Tr.CMP.(MD)No.256 of 2023

and

C.M.P.(MD)No.5722 of 2023

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