



Tr.CMP.(MD)No.278 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.278 of 2024

and

C.M.P.(MD)No.6314 of 2024

Nithya

.. Petitioner

Vs.

Kanchana Giri

.. 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.25 of 2024 on the file of the Principal Sub Court, Tenkasi and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.A.Mohamed Haneef

For Respondent : Mr.K.Chengiz Khan



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.25 of 2024 on the file of the Principal Sub Court, Tenkasi and transfer the same to the file of the Family Court, Tirunelveli.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.08.2016 as per Hindu Rites and Customs. Out of the wedlock, a female child was born on 06.05.2019.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding seeking divorce in H.M.O.P.No.25 of 2024 on the file of the Principal Sub Court, Tenkasi. The petitioner/wife has initiated the proceeding seeking maintenance in M.C.No.28 of 2024 on the file of the Family Court, Tirunelveli.

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



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5. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Palayamkottai, Tirunelveli District. The distance between Palayamkottai and Tenkasi is about 73 Kms. The petitioner/wife finds it very difficult to travel such a long distance along with the 5 year old female child. However, the petitioner/wife now seeks transfer of proceeding from the file of the Principal Sub Court, Tenkasi to the file of the Sub Court, Nanguneri, since it would be convenient for both the parties.

6. The learned counsel for the respondent would submit that his client has no objection for the transfer of proceeding from the file of the Principal Sub Court, Tenkasi to the file of the Sub Court, Nanguneri.

7. Taking into consideration of the facts and circumstances of the case, and also considering the fact that both the parties have agreed for the transfer of proceeding from the file of the Principal Sub Court, Tenkasi to the file of the Sub Court, Nanguneri, this Court is inclined to allow this petition accordingly.



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8. The learned Judge, Principal Sub Court, Tenkasi is directed to transmit the entire records pertaining to the case in H.M.O.P.No.25 of 2024 to the file of the Sub Court, Nanguneri 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 Sub Court, Nanguneri is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

19.08.2024
(1/2)

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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, Principal Sub Court,
Tenkasi
- 2.The learned Judge, Sub Court,
Nanguneri

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