



Tr.CMP.(MD)No.309 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.309 of 2024

and

C.M.P.(MD)No.7023 of 2024

P.Ashmitha Priscilla

.. Petitioner

Vs.

J.Jeffason

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.O.P.No.416 of 2023 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.B.Vinothkumar

For Respondent : Mr.S.Vishnuvardhan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in D.O.P.No.416 of 2023 on the file of the Family



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Court, Thoothukudi 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 26.02.2014 at Our Lady of Snows Basilica Church, Thoothukudi as per the Christian Rites and Customs. Out of the wedlock, two female children, named Jonahlin Raphaela and Jerolin Michaela, were born, who are aged about 9 years and 6 years, respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has filed the proceeding in D.O.P.No.416 of 2023 on the file of the Family Court, Thoothukudi seeking divorce.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Periyar Nagar, Madurai. The distance between Madurai and Thoothukudi is around 300 Kms to and fro, and the



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petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with her children. Hence, she seeks transfer of proceeding from the file of the Family Court, Thoothukudi to the file of the Family Court, Madurai.

6. The learned counsel for the respondent would submit that his client has no objection for the transfer of proceeding in D.O.P.No.416 of 2023 from the file of the Family Court, Thoothukudi to the file of the Family Court, Madurai.

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, Family Court, Thoothukudi is directed to transmit the entire records, pertaining to the case in D.O.P.No.416 of 2023, 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.

23.09.2024

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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,
Thoothukudi
- 2.The learned Judge, Family Court,
Madurai

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