



Tr.CMP.(MD)No.374 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.374 of 2024

and

C.M.P.(MD)No.7967 of 2024

S.Niranchana

.. Petitioner

Vs.

M.Suresh

.. 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.496 of 2023 on the file of the Sub Court, Alandur and transfer the same to the file of the Family Court, Tuticorin.

For Petitioner : Mr.M.Rakhi

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.496 of 2023 on the file of the Sub



Tr.CMP.(MD)No.374 of 2024

Court, Alandur, Chennai District and transfer the same to the file of the Family Court, Tuticorin.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.01.2020 at Athithana Kalyana Mandapam, Kayamozhi, Tiruchendur Taluk, Thoothukudi District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.496 of 2023 on the file of the Sub Court, Alandur seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



Tr.CMP.(MD)No.374 of 2024

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Thoothukudi under the care of her parents, and is working at TP Solar Limited in Tirunelveli. The distance between Thoothukudi and Chennai is around 604 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 from the file of the Sub Court, Alandur to the file of the Family Court, Tuticorin.

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

9. The learned Judge, Sub Court, Alandur, Chennai District is directed to transmit the entire records, pertaining to the case in H.M.O.P.



Tr.CMP.(MD)No.374 of 2024

No.496 of 2023 to the file of the Family Court, Tuticorin 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, Tuticorin 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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Tr.CMP.(MD)No.374 of 2024

P. VADAMALAI, J.

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To

1.The Sub Court,
Alandur, Chennai District

2.The Family Court,
Tuticorin

Tr.CMP.(MD)No.374 of 2024
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