



Tr.CMP.(MD)No.311 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.311 of 2024

and

C.M.P.(MD)No.7112 of 2024

M.Priyatharshini

.. Petitioner

Vs.

K.Pradeep Kumar

.. 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.27 of 2024 on the file of the Sub Court, Virudhunagar and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.A.Mathan

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.27 of 2024 on the file of the Sub Court, Virudhunagar 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 10.12.2014 at Aathithanar Marriage Hall, Old Kuyavar Palayam Road, Munichalai, Madurai as per the Hindu Rites and Customs. Out of the wedlock, a female child, namely P.Prajiya, was born.

3. Due to disputes and differences, the parties have separated, and the the petitioner/wife has initiated the proceeding in M.C.No.10 of 2024 on the file of the Family Court, Madurai seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.27 of 2024 on the file of the Sub Court, Virudhunagar seeking restitution of conjugal rights.



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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 for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Villapuram, Madurai District. The distance between Villapuram and Virudhunagar is around 60 Kms. As the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the female child, she seeks transfer of proceeding from the file of the Sub Court, Virudhunagar to the file of the Family Court, Madurai.

7. Taking into consideration of the 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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8. The learned Judge, Sub Court, Virudhunagar is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.27 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 in accordance with law.

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

30.08.2024

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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, Sub Court,
Virudhunagar
- 2.The learned Judge, Family Court,
Madurai

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and
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