



Tr.CMP.(MD)No.269 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.269 of 2023

and

C.M.P.(MD)No.6037 of 2023

R.Rani

.. Petitioner

Vs.

P.Joseph Sahayaraj

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.343 of 2023 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : M/s.V.Karuna

For Respondent : M/s.A.Amala



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.343 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul.

2. The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 13.12.2018 at Dindigul as per Christian Rites and Customs. Out of the wedlock, a male child, Lakshan, was born, who is aged about 4 years as of today.

3. Due to disputes and differences, the parties are living separately, and the respondent has initiated the proceeding seeking restitution of conjugal rights in H.M.O.P.No.343 of 2023 on the file of the Family Court, Madurai.

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 Kuttathupatti Village, Dindigul District.

The petitioner/wife is now residing in her sister's house along with her 4 year old child. As she finds it very difficult to travel from Dindigul to Madurai for every Court hearing along with her 4 year old child, she seeks transfer of proceeding from the file of the Family Court, Madurai to the file of the Family Court, Dindigul.

6. The learned counsel for the respondent would submit that the respondent/husband is now working as an Office Assistant in St.Joseph Higher Secondary School at Madurai. He would also submit that the respondent/husband would also be put to much hardship, if the proceeding is transferred to Dindigul, as his workplace is in Madurai. Hence, he prays for dismissal of this petition.

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 transfer petition.



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8. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.343 of 2023 within a period of two weeks from the date of receipt of a copy of this order, to the Family Court, Dindigul. On receipt of such records, the learned Judge, Family Court, Dindigul is directed to take the case on file and dispose of the same in accordance with law.

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

21.08.2024

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

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and

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