



Tr.CMP.(MD)No.321 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.321 of 2024

and

C.M.P.(MD)No.7166 of 2024

Jemima

.. Petitioner

Vs.

Selvaraj

.. Respondent

Prayer : 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.59 of 2024 on the file of the Principal District Court, Tiruvallur and transfer the same to the file of the Principal District Court, Theni.

For Petitioner : Mr.B.Arun

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.59 of 2024 on the file of the



Tr.CMP.(MD)No.321 of 2024

Principal District Court, Tiruvallur and transfer the same to the file of the
Principal District Court, Theni.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 02.02.2015 at Sharon Assembly, The Diocese of Asia in Chennai as per the Christian Rites and Customs. Out of the wedlock, a male child, named S.J.Jonathan, was born on 09.06.2017.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in I.D.O.P.No.59 of 2024 on the file of the Principal District Court, Tiruvallur seeking divorce.

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.321 of 2024

WEB COPY

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at her parents' home in Uthamapalayam, Theni District along with her child. The distance between Uthamapalayam and Tiruvallur is around 540 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the seven year old child. Hence, she seeks transfer of proceeding from the file of the Principal District Court, Tiruvallur to the file of the Principal District Court, Theni.

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.



Tr.CMP.(MD)No.321 of 2024

9. The learned Judge, Principal District Court, Tiruvallur is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.59 of 2024 to the file of the Principal District Court, Theni 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, Principal District Court, Theni is directed to take the case on file and dispose of the same in accordance with law.

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

01.10.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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Tr.CMP.(MD)No.321 of 2024

P. VADAMALAI, J.

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To

1.The Principal District Court,
Tiruvallur

2.The Principal District Court,
Theni

Tr.CMP.(MD)No.321 of 2024

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