



Tr.CMP.(MD)No.277 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.277 of 2023

and

C.M.P.(MD)No.6310 of 2023

Sarojini

.. Petitioner

Vs.

Premkumar

.. 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.148 of 2023 on the file of the Family Court, Thiruppur and transfer the same to the file of the Sub Court, Manapparai, Trichy District.

For Petitioner : Mr.A.Joel Paul Antony

For Respondent : Mr.G.Balaji



Tr.CMP.(MD)No.277 of 2023

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.148 of 2023 on the file of the Family Court, Thiruppur and transfer the same to the file of the Sub Court, Manapparai, Trichy District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.09.2021 at Sri Ramalinga Sowdeswari Amman Thirukovil, Thiruppur as per the Hindu Rites and Customs. Out of the wedlock, a female child was born on 03.07.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.148 of 2023 on the file of the Family Court, Thiruppur seeking restitution of conjugal rights.

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



Tr.CMP.(MD)No.277 of 2023

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Manapparai Taluk, Trichy District under the care of her parents. The distance between Manapparai and Thiruppur is around 400 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the two year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.148 of 2023 from the file of the Family Court, Thiruppur to the file of the Sub Court, Manapparai.

6. The learned counsel for the respondent would submit that since Karur is equidistant from the place of residence of both the parties, the case in H.M.O.P.No.148 of 2023 may be transferred to the file of the Family Court, Karur. He would further submit that if the case is transferred to the Family Court, then his client will have the opportunity to see his child.

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.



Tr.CMP.(MD)No.277 of 2023

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.

9. The learned Judge, Family Court, Thiruppur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.148 of 2023, to the file of the Sub Court, Manapparai 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, Sub Court, Manapparai, Trichy District 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.

18.10.2024

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Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



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Tr.CMP.(MD)No.277 of 2023

P. VADAMALAI, J.

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To

- 1.The Family Court,
Thiruppur
- 2.The Sub Court,
Manapparai, Trichy District

Tr.CMP.(MD)No.277 of 2023
and
C.M.P.(MD)No.6310 of 2023

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