



Tr.CMP.(MD)No.346 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.346 of 2024

and

C.M.P.(MD)No.7607 of 2024

Divya

.. Petitioner

Vs.

Nandhakumar @ Sudhakar

.. 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. 266 of 2024 on the file of the Family Court, Tiruppur and transfer the same to the file of the Family Court, Karur, Karur District.

For Petitioner : Mr.I.Velpradeep

For Respondent : No Appearance



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.266 of 2024 on the file of the Family Court, Tiruppur and transfer the same to the file of the Family Court, Karur, Karur District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.09.2013 at Vaani Chettiyar Thirumana Mandapam, Thanthoni Malai, Karur as per the Hindu Rites and Customs. Out of the wedlock, two female children, named Mennila and Karthika, were born on 18.10.2014 and 02.06.2017 respectively.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated the proceeding in M.C.No.15 of 2024 on the file of the Family Court, Karur seeking maintenance. Thereafter, the respondent/husband has initiated the proceeding in H.M.O.P.No.266 of 2024 on the file of the Family Court, Tiruppur 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 appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her children at Thanthonimalai, Karur under the care of her parents. The distance between Karur and Tiruppur is around 90 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding from the file of the Family Court, Tiruppur to the file of the Family Court, Karur.

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.



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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, Family Court, Tiruppur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.266 of 2024 to the file of the Family Court, Karur 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, Karur 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.

03.10.2024

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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 Family Court,
Tiruppur

2.The Family Court,
Karur

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and

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