



Tr.CMP.(MD)No.352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.352 of 2024

and

C.M.P.(MD)No.7661 of 2024

Rajalakshmi

.. Petitioner

Vs.

P.Selvaraj

.. 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.48 of 2024 pending on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Tiruppur.

For Petitioner : Mr.K.Pandiarajan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.48 of 2024 pending on the file of



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the Family Court, Theni and transfer the same to the file of the Family Court, Tiruppur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.11.2000 at Jambuliputhur Village, Theni District. Out of the wedlock, a female child, Rithusra, was born. Unfortunately, she ended her life by committing suicide. Thereafter, a male child, Yuvakarathi, was born on 15.02.2023, who is a test tube born baby.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding seeking restitution of conjugal rights in H.M.O.P.No.48 of 2024 on the file of the Family Court, Theni.

4. The name of the respondent has been printed in the cause list. Despite the service of notice, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing on behalf of the petitioner.



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6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Velliankadu, Tiruppur District. The distance between Tiruppur and Theni is around 150 Kms, and the petitioner/wife finds it very difficult to travel such a long distance along with the toddler, who is a test tube born baby. Hence, she seeks transfer of proceeding from the file of the Family Court, Theni to the file of the Family Court, Tiruppur.

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.

8. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.48 of 2024 to the file of the Family Court, Tiruppur 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, Tiruppur is directed to take the case on file and dispose of the same in accordance with law.



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

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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,
Theni
- 2.The learned Judge, Family Court,
Tiruppur

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