



Tr.CMP.(MD)No.371 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.371 of 2024

and

C.M.P.(MD)No.7950 of 2024

Anu

.. Petitioner

Vs.

Parthiban

.. 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.21 of 2024 on the file of the Sub Court, Thittakudi and transfer the same to the file of the Family Court, Thanjavur to be tried jointly with H.M.O.P.No.88 of 2024.

For Petitioner : Mr.A.Arun Prasad

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.21 of 2024 on the file of the Sub



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Court, Thittakudi and transfer the same to the file of the Family Court, Thanjavur to be tried jointly with H.M.O.P.No.88 of 2024.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.02.2018 at Saro Rathna Mahal, Pennadum, Cuddalore as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Nishwanth, was born on 13.10.2018.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.88 of 2024 on the file of the Family Court, Thanjavur seeking divorce. Thereafter, the respondent/husband has initiated the proceeding in H.M.O.P.No.21 of 2024 on the file of the Sub Court, Thittakudi seeking restitution of conjugal rights.

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.



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5. Heard the learned counsel appearing for the petitioner.

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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Bharathi Nagar, Thanjavur Taluk & District under the care of her parents. The distance between the petitioner's place of residence and Thittakudi is around 50 Kms, 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 six year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.21 of 2024 from the file of the Sub Court, Thittakudi to the file of the Family Court, Thanjavur to be heard jointly with H.M.O.P.No.88 of 2024.

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.



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9. The learned Judge, Sub Court, Thittakudi is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.21 of 2024 to the file of the Family Court, Thanjavur 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, Thanjavur is directed to take the case on file, and hear the case along with H.M.O.P.No.88 of 2024 and dispose of both the cases 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.

25.10.2024

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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 Sub Court,
Thittakudi

2.The Family Court,
Thanjavur

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and

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