



Tr.C.M.P(MD)No.412 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.412 of 2024

and

C.M.P(MD)No.8932 of 2024

Lavanika

... Petitioner

Vs.

Muthukrishnan

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.103 of 2023 on the file of the Family Court, Ramanathapuram and transfer to the file of the Subordinate Court, Oddanchatiram.

For Petitioner : Mr.A.Prabhu Raj

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.103 of 2023 pending on the file of the Family Court, Ramanathapuram and transfer to the file of the Subordinate Court, Oddanchatiram.



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2. The learned counsel for the petitioner submitted that the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and respondent was solemnized on 13.03.2020 at Sri Krishna Mahal, Ottanchathiram as per Hindu rites and customs. Subsequently, due to some difference of opinion, they have separated. The respondent/husband filed a petition in H.M.O.P.No.103 of 2023 before the Family Court, Ramanathapuram, seeking divorce. He would further submit that the distance between Ramanathapuram to Ottanchathiram is 408 kms up and down and she finds it difficult to travel such a long distance. Hence, she filed this petition seeking to transfer the case as prayed for.

3. Eventhough the respondent's name was printed in the cause list, none appeared for the respondent.

4. Heard the learned counsel for the petitioner. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the divorce petition before the Family Court, Ramanathapuram. It is well settled proposition of law, 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. Considering the facts



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and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.103 of 2023 pending on the file of the Family Court, Ramanathapuram, is hereby withdrawn and transferred to the file of the Sub Court, Oddanchatiram.

6. The learned Judge, Family Court, Ramanathapuram is directed to transmit the entire records pertaining to the case in H.M.O.P.No.103 of 2023 to the Sub Court, Oddanchatiram, within a period of three weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judge, Sub Court, Oddanchatiram, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

- 1.The Family Court,
Ramanathapuram.
- 2.The Sub Court,
Oddanchatiram.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.412 of 2024
and
C.M.P(MD)No.8932 of 2024

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