



Tr.CMP.(MD)No.430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.430 of 2024

and

C.M.P.(MD)No.9429 of 2024

Anusha

.. Petitioner

Vs.

Sam Jeet King

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.162 of 2024 on the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Ramasamy

For Respondent : M/s.B.Sudha Sathiyanth

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.162 of 2024 on the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Nagercoil, Kanyakumari District.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.11.2014 at Infant Jesus Church, Nagercoil as per the Christian Rites and Customs. Out of the wedlock, a female child by name Valantiya Jeet was born on 05.09.2015

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in I.D.O.P.No.162 of 2024 on the file of the Family Court, Thanjavur seeking restitution of conjugal rights. The petitioner/wife has already initiated two proceedings, one in M.C.No.554 of 2024 on the file of the Family Court, Nagercoil, and another in D.V.C.No.337 of 2024 on the file of the Additional Mahila Court, Nagercoil.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Kottaram, Nagercoil, Kanyakumari District. The distance between Nagercoil and Thanjavur is around 430 Kms,



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and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the nine year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Thanjavur to the file of the Family Court, Nagercoil.

6. The learned counsel for the respondent would submit that the respondent/husband would face life threat at Nagercoil if the proceeding is transferred to the file of the Family Court, Nagercoil. Hence, he prays for dismissal of this petition.

7. It is an admitted fact that the petitioner has already initiated two proceedings, a Maintenance Case in M.C.No.554 of 2024 on the file of the Family Court, Nagercoil, and a domestic violence case in D.V.C.No.337 of 2024 on the file of the Additional Mahila Court, Nagercoil, for which the respondent/husband is already attending.

8. Considering the above 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, Family Court, Thanjavur is directed to transmit the entire records pertaining to the case in I.D.O.P.No.162 of 2024 to the file of the Family Court, Nagercoil, Kanyakumari District 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, Nagercoil, Kanyakumari District is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

10. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

09.09.2024

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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 learned Judge, Family Court,
Thanjavur
- 2.The learned Judge, Family Court,
Nagercoil, Kanyakumari District

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and
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