



Tr.CMP.(MD)No.425 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.425 of 2024

and

C.M.P.(MD)No.9327 of 2024

Gajalakshmi

.. Petitioner

Vs.

M.Vigneswar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.A.No.1 of 2024 in Unnumbered F.C.O.P. of 2023 on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Theni to be tried along with the case in I.A.No.1 of 2024 in Unnumbered O.P. of 2024.

For Petitioner : Mr.J.Lawrance

For Respondent : No Appearance



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ORDER

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The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.A.No.1 of 2024 in Unnumbered F.C.O.P. of 2023 on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Theni to be tried along with the case in I.A.No.1 of 2024 in Unnumbered O.P. of 2024.

2. The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 03.09.2023 at N.S.N.Mahal, Theni District as per Hindu Rites and Customs.

3. Due to disputes and differences, the parties are living separately. The petitioner/wife has initiated the proceeding seeking dissolution of marriage in I.A.No.1 of 2024 in Un-numbered O.P.No. of 2024 before the Family Court, Theni. Subsequently, the respondent/husband has also initiated the proceeding seeking dissolution of marriage in I.A.No.1 of 2024 in Unnumbered F.C.O.P. of 2023 before the Family Court, Erode.

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



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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 the resident of Periyakulam Taluk, Theni District. He would also state that the respondent/husband has filed the petition by making false allegations as against the petitioner/wife. The distance between Periyakulam and Erode is about 400 Kms to and fro, and as the petitioner/wife finds it very difficult to travel such a long distance to attend every Court hearing at Erode, she seeks transfer of proceeding from the file of the Family Court, Erode to the file of the Family Court, Theni.

7. Taking into consideration of the facts and circumstances of the case, and the reasons stated in the affidavit filed in support of this petition, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.



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8. The learned Judge, Family Court, Erode is directed to transmit the entire records pertaining to the case in I.A.No.1 of 2024 in Unnumbered F.C.O.P. of 2023 to the file of the Family Court, Theni within a period of three weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Judge, Family Court, Theni is directed to take the petition on file and dispose of the same along with I.A.No.1 of 2024 in Unnumbered O.P. of 2024 in accordance with law.

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

21.08.2024

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

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