



Tr.CMP.(MD)No.435 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.435 of 2024

and

C.M.P.(MD)No.9521 of 2024

S.Jeya

.. Petitioner

Vs.

Dheenadhayalan

.. 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. 238 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.T.Leninkumar

For Respondent : Mr.D.Saravanan



Tr.CMP.(MD)No.435 of 2024

ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.238 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Trichy.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.06.2023 at Kandanur Perumal Kovil as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.(MD)No.238 of 2024 on the file of the Family Court, Theni seeking divorce.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at her parents' home in Theppakulam,



Tr.CMP.(MD)No.435 of 2024

Trichy. The distance between the petitioner's place of residence and Theni is around 400 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.(MD)No.238 of 2024 from the file of the Family Court, Theni to the file of the Family Court, Trichy.

6. The learned counsel for the respondent would submit that the petitioner/wife has also initiated a maintenance case before the Family Court, Trichy in M.C.No.64 of 2023, and has raised only formal objection to this petition.

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



Tr.CMP.(MD)No.435 of 2024

9. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.238 of 2024, to the file of the Family Court, Trichy 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, Trichy is directed to take the case on file, and hear the case along with M.C.No.64 of 2023, 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.

01.10.2024

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Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



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Tr.CMP.(MD)No.435 of 2024

P. VADAMALAI, J.

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To

1.The Family Court,
Theni

2.The Family Court,
Trichy

Tr.CMP.(MD)No.435 of 2024

and

C.M.P.(MD)No.9521 of 2024

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