



Tr.CMP.(MD)No.458 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.458 of 2024

and

C.M.P.(MD)No.10382 of 2024

Santhiya

.. Petitioner

Vs.

S.Murugaperumal

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in F.C.O.P.No.435 of 2023 on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Thoothukudi.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.M.Prabu



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in F.C.O.P.No.435 of 2023 on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Thoothukudi.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.11.2020 at Sri Meenakshi Amman Kovil, Vilathikulam, Thoothukudi as per Hindu Rites and Customs. Out of the wedlock, a female child, named M.Kiranyashri, was born on 08.12.2021.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in F.C.O.P.No.435 of 2023 on the file of the Family Court, Erode seeking divorce.

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



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Thoothukudi. The distance between Thoothukudi and Erode is around 400 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the two and a half year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Erode to the file of the Family Court, Thoothukudi.

6. The learned counsel for the respondent would submit that the respondent/husband is now working at Isha school at Coimbatore, and Thoothukudi is far away from Coimbatore, and his client is not in a position to travel such a long distance. Hence, he prayed that the proceeding in F.C.O.P.No.435 of 2023 may be transferred from the file of the Family Court, Erode to the file of the Family Court, Madurai, since Madurai is the centre place for both the petitioner and the respondent.

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.



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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.

9. The learned Judge, Family Court, Erode is directed to transmit the entire records, pertaining to the case in F.C.O.P.No.435 of 2023 to the file of the Family Court, Thoothukudi 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, Thoothukudi 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.

11.09.2024

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

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