



Tr.CMP.(MD)No.441 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.441 of 2024

and

C.M.P.(MD)No.9836 of 2024

Usha Rani

.. Petitioner

Vs.

S.Sabari Manikandan

.. 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. 820 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Coimbatore, Coimbatore District.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.P.Balah



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.820 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Coimbatore, Coimbatore District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.09.2003 at Echaneri Pillaiyar Kovil, Echaneri, Coimbatore as per the Hindu Rites and Customs. Out of the wedlock, two children, named Krithika and S.Subburam Kanaga Manikandan, were born on 11.04.2005 and 01.11.2006 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.820 of 2024 on the file of the Family Court, Madurai seeking divorce.

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



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her mother at Narasimha Naickan Palayam, Coimbatore District. The distance between the petitioner's place of residence and Madurai is around 250 Kms, 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.No.820 of 2024 from the file of the Family Court, Madurai to the file of the Family Court, Coimbatore.

6. The learned counsel for the respondent 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.



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9. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.820 of 2024, to the file of the Family Court, Coimbatore 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, Coimbatore is directed to take the case on file and dispose of the same 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.

04.10.2024

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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 Family Court,
Madurai

2.The Family Court,
Coimbatore

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