



Tr.CMP.(MD)No.432 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.432 of 2022

and

C.M.P.(MD)No.7062 of 2022

Rathiasumathinagalakshmi

.. Petitioner

Vs.

Mathivanane

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in M.O.P.No.358 of 2022 on the file of the Family Court, Pondicherry and transfer the same to the file of the Family Court, Thoothukudi.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in M.O.P.No.358 of 2022 on the file of the Family Court, Pondicherry 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 09.06.2016 at Tiruchendur 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 M.O.P.No.358 of 2022 on the file of the Family Court, Pondicherry seeking restitution of conjugal rights.

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 has neither entered appearance through a counsel nor in-person to oppose this transfer petition.



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5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at her maternal home in Sathankulam, Thoothukudi District. The distance between Sathankulam and Pondicherry is around 550 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 from the file of the Family Court, Pondicherry to the file of the Family Court, Thoothukudi.

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 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, Pondicherry is directed to transmit the entire records, pertaining to the case in M.O.P.No.358 of 2022 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 in accordance with law.

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

03.10.2024

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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,
Pondicherry

2.The Family Court,
Thoothukudi

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and

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