



Tr.CMP.(MD)No.451 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.451 of 2024

and

C.M.P.(MD)No.10122 of 2024

V.Parkavi

.. Petitioner

Vs.

Selvabalan

.. 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. 139 of 2023 on the file of the Sub Court, Nagapattinam and transfer the same to the file of the Family Court, Trichy or any other Courts at Trichy.

For Petitioner : Mr.V.Ramakrishnan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.139 of 2023 on the file of the Sub



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Court, Nagapattinam and transfer the same to the file of the Family Court, Trichy or any other Courts at Trichy.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.03.2022 at Vasantham Marriage Hall, Thiruthuraipoondi Taluk, Tiruvarur District. Out of the wedlock, a male child was born, who is aged about 19 months as of today.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has filed the proceeding in H.M.O.P.No.139 of 2023 on the file of the Sub Court, Nagapattinam seeking dissolution of marriage.

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.

5. Heard the learned counsel appearing for the petitioner.



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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at her parental home in Tiruchirappalli. The distance between the petitioner's place of residence and Nagapattinam is around 145 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the one and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.139 of 2023 from the file of the Sub Court, Nagapattinam to the file of the Family Court, Trichy.

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.

9. The learned Judge, Sub Court, Nagapattinam is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.139 of 2023 to the



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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 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.

28.10.2024

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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 Sub Court,
Nagapattinam

2.The Family Court,
Trichy

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and
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