



Tr.CMP.(MD)No.450 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.450 of 2024

and

C.M.P.(MD)No.10106 of 2024

Archana

.. Petitioner

Vs.

Sri Mohanakanna

.. 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.56 of 2024 on the file of the Sub Court, Musiri and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Ms.P.Sheela

For Respondent : Mr.K.Arunraj



Tr.CMP.(MD)No.450 of 2024

ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.56 of 2024 on the file of the Sub Court, Musiri 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 19.03.2018 at Katch Kadavu Samaj Setu Marriage Mahal, Ariyamangalam as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Aathvik Senapathi, was born on 18.11.2020.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.56 of 2024 on the file of the Sub Court, Musiri 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 with her child at Kirappatti, Trichy District



Tr.CMP.(MD)No.450 of 2024

under the care of her parents. The distance between the petitioner's place of residence and Musiri is around 100 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 along with the four year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.56 of 2024 from the file of the Sub Court, Musiri to the file of the Family Court, Trichy.

6. The learned counsel for the respondent has not raised any serious 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.450 of 2024

9. The learned Judge, Sub Court, Musiri is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.56 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 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

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



WEB COPY



Tr.CMP.(MD)No.450 of 2024

P. VADAMALAI, J.

mkn

To

1.The Sub Court,
Musiri

2.The Family Court,
Trichy

Tr.CMP.(MD)No.450 of 2024
and
C.M.P.(MD)No.10106 of 2024

04.10.2024