



Tr.CMP.(MD)No.466 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.466 of 2024

and

C.M.P.(MD)No.10758 of 2024

J.Jerin Esther

.. Petitioner

Vs.

Joseph Sam Isravel

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.O.P.No.144 of 2024 on the file of the IV Additional District Court, Tirunelveli District and transfer the same to the file of the District Court, Madurai District.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.M.Siva Sankar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in D.O.P.No.144 of 2024 on the file of the IV



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Additional District Court, Tirunelveli District and transfer the same to the file of the District Court, Madurai District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.09.2022 at C.S.I. Saint Church, Idayanvilai as per the Christian Rites and Customs. Out of the wedlock, a female child was born on 16.08.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in D.O.P.No.144 of 2024 on the file of the IV Additional District Court, Tirunelveli seeking restitution of conjugal rights.

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 S.S.Colony, Madurai under the care of her parents. The distance between Madurai and Tirunelveli is around 200 Kms, and the petitioner/wife, being a lady, finds it very difficult



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to travel such a long distance for attending every Court hearing along with the one year old child. Hence, she seeks transfer of proceeding in D.O.P. No.144 of 2024 from the file of the IV Additional District Court, Tirunelveli to the file of the District Court, Madurai.

6. The learned counsel for the respondent would submit that the sole purpose of his client's petition, in D.O.P.No.144 of 2024, is only to obtain restitution of conjugal rights, and he prays for dismissal of 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.

9. The learned Judge, IV Additional District Court, Tirunelveli District is directed to transmit the entire records, pertaining to the case in



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D.O.P.No.144 of 2024, to the file of the I Additional District Court, Madurai 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, I Additional District Court, Madurai District 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.

22.10.2024

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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 IV Additional District Court,
Tirunelveli District
- 2.The Additional District Court,
Madurai District

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and
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