



Tr.CMP.(MD)No.446 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.446 of 2024

Indhumathi

.. Petitioner

Vs.

1.Rajesh

2.Rajamani

3.Mani

.. Respondents

(Respondent Nos.2 and 3
are impleaded vide Court
order, dated 18.10.2024,
made in C.M.P.(MD)
No.14532 of 2024 in
Tr.C.M.P.(MD)No.446 of
2024 by PVMJ)

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.V.C.No.11 of 2022 on the file of the Principal District Munsif cum Judicial Magistrate, Thirupattur and transfer the same to the file of the Judicial Magistrate, Madurai.

For Petitioner : Ms.M.R.Priyanka Jothi

For Respondents : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in D.V.C.No.11 of 2022 on the file of the Principal District Munsif cum Judicial Magistrate, Thirupattur and transfer the same to the file of the Judicial Magistrate, Madurai.

2. The petitioner is the wife of the 1st respondent, and the 2nd and 3rd respondents are the parents of the 1st respondent. The marriage between the petitioner and the 1st respondent was solemnized on 01.06.2014 at Karunkalakudi Pettai, Melur Taluk, Madurai as per the Hindu Rites and Customs. Out of the wedlock, two children, named Kanishka and Karthikeyan, were born on 08.11.2014 and 04.04.2020 respectively.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in D.V.C.No.11 of 2022 on the file of the Principal District Munsif cum Judicial Magistrate, Thirupattur.

4. The names of the respondents have been printed in the cause list. Despite the names have been printed in the cause list, the respondents have



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

5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that at the time of filing of the case in D.V.C.No.11 of 2022, the petitioner/wife was residing at Thirupattur, Sivagangai District and now, she has shifted her residence from Thirupattur to Madurai. The distance between Madurai and Sivagangai is around 110 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 her children. He would also submit that out of her two children, the male child, named Karthikeyan, is a special child, who has a disability of 70 % and is undergoing treatment at Madurai. He would further submit that since the respondents are also residing at Madurai, it would be convenient for both the parties to attend each and every Court hearing. Hence, she seeks transfer of proceeding from the file of the Principal District Munsif cum Judicial Magistrate, Thirupattur to the file of the any of the Judicial Magistrate Court at Madurai.



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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 above 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, Principal District Munsif cum Judicial Magistrate, Thirupattur is directed to transmit the entire records, pertaining to the case in D.V.C.No.11 of 2022 to the file of the Judicial Magistrate No.I, Madurai within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Judicial Magistrate No.I, Madurai is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs.

29.10.2024

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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 Principal District Munsif cum Judicial Magistrate,
Thirupattur
- 2.The Judicial Magistrate No.I,
Madurai

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