



Tr.CMP.(MD)No.465 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.465 of 2024

and

C.M.P.(MD)No.10719 of 2024

T.Thirumamangai

.. Petitioner

Vs.

P.Rijith Kumar

.. 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. 372 of 2024 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Vellore.

For Petitioner : Mr.A.Oli Raja

For Respondent : Mr.M.Pandiarajan



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.372 of 2024 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Vellore.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.09.2021 at MRC Mahal, Madurai as per Hindu Rites and Customs. Out of the wedlock, a female child was born on 30.06.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.372 of 2024 on the file of the Family Court, Madurai seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Gandhi Nagar, Vellore. The distance between Vellore and Madurai is around 450 Kms, and the petitioner, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the 2 year old child. Further, he would submit that the petitioner has got selected for a Ph.D. decree programme as internal full time candidate in VIT, Vellore. Therefore, frequent travel of long distances would cause much hardship to her studies as well as her two year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Madurai to the file of the Family Court, Vellore.

6. The learned counsel for the respondent has raised only formal 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.



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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, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.372 of 2024, to the file of the Family Court, Vellore 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, Vellore is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

11.09.2024

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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 learned Judge, Family Court,
Madurai
- 2.The learned Judge, Family Court,
Vellore

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and
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