



Tr.CMP.(MD)No.460 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.460 of 2024

and

C.M.P.(MD)No.10565 of 2024

G.Alice Raisha

.. Petitioner

Vs.

P.A.David Paul

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No. 2390 of 2023 on the file of the Principal Family Court, Chennai and transfer the same to the file of the Family Court, Kanniyakumari District, Nagercoil.

For Petitioner : Mr.J.John Jayakumar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.2390 of 2023 on the file of the



Tr.CMP.(MD)No.460 of 2024

Principal Family Court, Chennai and transfer the same to the file of the Family Court, Nagercoil, Kanniyakumari District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.12.2016 at ECI Billy Graham Auditorium, Waddels Road, Kilpauk, Chennai as per the Christian Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated the proceeding in O.P.No.1027 of 2021 on the file of the II Additional Family Court, Chennai seeking dissolution of marriage and the same was allowed on 04.12.2021. The respondent/husband has now initiated another proceeding seeking divorce in I.D.O.P.No.2390 of 2023 on the file of the Principal Family Court, Chennai.

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.



Tr.CMP.(MD)No.460 of 2024

5. Heard the learned counsel for the petitioner appeared through Video Conference.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Nagercoil, Kanniyakumari District. The distance between Nagercoil and Chennai is around 700 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding from the file of the Principal Family Court, Chennai to the file of the Family Court, Nagercoil, Kanniyakumari District.

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.



Tr.CMP.(MD)No.460 of 2024

WEB COPY

9. The learned Judge, Principal Family Court, Chennai is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.2390 of 2023 to the file of the Family Court, Nagercoil, Kanniyakumari District 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, Nagercoil, Kanniyakumari 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.

04.10.2024

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.460 of 2024

P. VADAMALAI, J.

mkn

To

- 1.The Principal Family Court,
Chennai
- 2.The Family Court,
Nagercoil, Kanniyakumari District

Tr.CMP.(MD)No.460 of 2024

and

C.M.P.(MD)No.10565 of 2024

04.10.2024