



Tr.CMP.(MD)No.459 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.459 of 2024

and

C.M.P.(MD)No.10474 of 2024

Solai Priya

.. Petitioner

Vs.

Dhatchana Boominathan

.. 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.52 of 2024 on the file of the Sub Court, Mudhukulathur and transfer the same to the file of the Family Court, Madurai or any other Court.

For Petitioner : Mr.L.Prabhu

For Respondent : Ms.Porkodi Kannan
for M/s.Polax Legal Solutions



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.52 of 2024 on the file of the Sub Court, Mudhukulathur and transfer the same to the file of the Family Court, Madurai or any other Court.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.08.2015 at Ariya Natchiyar Mahal, Melaanuppanadi, Madurai as per Hindu Rites and Customs. Out of the wedlock, two children were born, named Thejashree and Madhumithran, who are aged about 8 years and 2 years as of today respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.52 of 2024 on the file of the Sub Court, Mudhukulathur, Ramanathapuram District seeking divorce.



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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Madurai, and both the children are in the custody of the petitioner. The distance between Madurai and Mudhukulathur is around 120 Kms to and fro, and the petitioner, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding from the file of the Sub Court, Mudhukulathur to the file of the Family Court, Madurai.

6. The learned counsel for the respondent has raised strong objections 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 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, Sub Court, Mudhukulathur, Ramanathapuram District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.52 of 2024, to the file of the Family 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, Family Court, Madurai 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, Sub Court,
Mudhukulathur, Ramanathapuram District

2.The learned Judge, Family Court,
Madurai

Tr.CMP.(MD)No.459 of 2024

and

C.M.P.(MD)No.10474 of 2024

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