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Tr.CMP.(MD)No.479 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.479 of 2024

and

C.M.P.(MD)No.11181 of 2024

Bharathi

.. Petitioner

Vs.

Vignesh Ram 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.535 of 2023 on the file of the Family Court, Thiruchirapalli and transfer the same to the file of the Sub Court, Vallioor, Tirunelveli District.

For Petitioner : Mr.M.Bino Vins Kumar
for M/s.Aran Legal Consultancy

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.535 of 2023 on the file of the



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Family Court, Thiruchirapalli and transfer the same to the file of the Sub Court, Vallioor, Tirunelveli District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.12.2018 at Sri Athisaya Vinayagar – Subramaniaswamy Temple in Vadakkangulam, Tirunelveli as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Hemandh Asaridhan, was born on 06.03.2020.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.535 of 2023 on the file of the Family Court, Thiruchirapalli seeking divorce.

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.

5. Heard the learned counsel appearing for the petitioner.



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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Kavalkinaru Pudhur, Tirunelveli District under the care of her parents. The distance between Kavalkinaru Pudhur and Thiruchirapalli is around 350 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the four and a half year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Thiruchirapalli to the file of the Sub Court, Vallioor, Tirunelveli 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.



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9. The learned Judge, Family Court, Thiruchirapalli is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.535 of 2023 to the file of the Sub Court, Vallioor, Tirunelveli 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, Sub Court, Vallioor, Tirunelveli 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.

15.10.2024

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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 Family Court,
Thiruchirapalli
- 2.The Sub Court,
Vallioor, Tirunelveli District

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and
C.M.P.(MD)No.11181 of 2024

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