



Tr.CMP.(MD)No.469 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.469 of 2024

and

C.M.P.(MD)No.10821 of 2024

K.Jeyavidya

.. Petitioner

Vs.

Rajasekaran

.. 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.8 of 2024 pending on the file of the Sub Court, Devakottai, Sivagangai District and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.M.Mohammed Sherbudeen

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.8 of 2024 pending on the file of



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the Sub Court, Devakottai, Sivagangai District and transfer the same to the file of the Family Court, Chennai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.09.2022 at RMR Marriage Hall in Devakottai as per Hindu Rites and Customs. Out of the wedlock, a female child, named Mithra, was born on 19.06.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.8 of 2024 on the file of the Sub Court, Devakottai seeking restitution of conjugal rights.

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 at her parents' home along with her child in Chinmaya Nagar, Chennai. The distance between Chennai and Devakottai is around 800 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the one year old child. Hence, she seeks transfer of proceeding from the file of the Sub Court, Devakottai to the file of the Family Court, Chennai.

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.

9. The learned Judge, Sub Court, Devakottai, Sivagangai District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.8 of 2024, to the file of the Family Court, Chennai within a



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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, Chennai is directed to take the case on file and dispose of the same in accordance with law.

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

13.09.2024

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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,
Devakottai, Sivagangai District
- 2.The learned Judge, Family Court,
Chennai

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and
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