



Tr.CMP.(MD)No.447 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.447 of 2023

and

C.M.P.(MD)No.9441 of 2023

Jemi Martina Usha

.. Petitioner

Vs.

1.A.Christy Solomon Chellappa

2.Christy Rolen Prabhu

.. Respondents

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.72 of 2018 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr.J.Thomas Rajadurai

For R1 : Mr.S.Thangaraj

For R2 : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.72 of 2018 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Dindigul.

2. The petitioner is the wife, the 1st respondent is the husband and the 2nd respondent is the cousin of the 1st respondent. The marriage between the petitioner and the 1st respondent was solemnized on 29.09.2006 at CSI St.Paul Church, Dindigul District as per the Christian Rites and Customs. Out of the wedlock, two children, named Janet Christina Dafne and Samuel Nino Paul, were born on 01.02.2009 and 14.03.2011 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has filed the proceeding in I.D.O.P.No.72 of 2018 on the file of the Family Court, Madurai seeking divorce.

4. The name of the 2nd respondent has been printed in the cause list. Despite the name has been printed in the cause list, the 2nd respondent has



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neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her children at Balakrishnapuram, Dindigul District under the care of her parents, and is working as a teacher in a private school at Dindigul District. The distance between Dindigul and Madurai is around 150 Kms to and fro, and the petitioner/wife, 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 in I.D.O.P.No.72 of 2018 from the file of the Family Court, Madurai to the file of the Family Court, Dindigul.

7. The learned counsel for the 1st respondent has not raised any serious objection to this petition.



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8. 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.

9. Considering the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.

10. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.72 of 2018 to the file of the Family Court, Dindigul 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, Dindigul is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

25.10.2024

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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,
Madurai

2.The Family Court,
Dindigul

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