



Tr.CMP.(MD)No.488 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.488 of 2024

and

C.M.P.(MD)No.11502 of 2024

1.S.Mahesh Prabha

2.Minor Kirshanth

Represented through his mother and
natural guardian Mahesh Prabha

.. Petitioners

Vs.

1.S.Pandi Prabu

2.S.Jayamani

3.V.Suruliram

.. Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.V.O.P.No.17 of 2023 on the file of the Additional Mahila Court (Judicial Magistrate Level), Theni and transfer the same to the file of the Mahila Court (Judicial Magistrate Level), Madurai or any other appropriate Court in Madurai.

For Petitioners : Mr.K.Guhan

For Respondents : Mr.K.N.Gurusamy



Tr.CMP.(MD)No.488 of 2024

ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in D.V.O.P.No.17 of 2023 on the file of the Additional Mahila Court (Judicial Magistrate Level), Theni and transfer the same to the file of the Additional Mahila Court (Judicial Magistrate Level), Madurai or any other appropriate Court in Madurai.

2. The 1st petitioner is the wife and the 1st respondent is the husband. The marriage between the 1st petitioner and the 1st respondent was solemnized on 30.06.2014 at Veerapandi, Theni District as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Kirshanth, was born, who is aged about 8 years as of today.

3. Due to disputes and differences, the parties have separated, and the 1st petitioner/wife has initiated the proceeding under Section 12 of Domestic Violence Act in D.V.O.P.No.17 of 2023 on the file of the Additional Mahila Court (Judicial Magistrate Level), Theni. Subsequently, the 1st respondent/husband has initiated the proceeding in H.M.O.P.No.687 of 2024 on the file of the Family Court, Madurai seeking divorce.



Tr.CMP.(MD)No.488 of 2024

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

5. The learned counsel for the petitioners would submit that the 1st petitioner/wife is now residing in her parents' home along with her child at Anaiyur, Madurai District, and her child is currently studying 4th standard in CEOA School, Kosakulam, Madurai. The distance between Anaiyur and Theni is around 80 Kms, and the 1st petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the 8 year old child. Hence, she seeks transfer of proceeding from the file of the Additional Mahila Court (Judicial Magistrate Level), Theni to the file of the Additional Mahila Court (Judicial Magistrate Level), Madurai.

6. The learned counsel for the respondents has raised only formal objection 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.



Tr.CMP.(MD)No.488 of 2024

WEB COPY 8. Considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Additional Mahila Court (Judicial Magistrate Level), Theni is directed to transmit the entire records pertaining to the case in D.V.O.P.No.17 of 2023 to the file of the Additional Mahila Court (Judicial Magistrate Level), 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, Additional Mahila Court (Judicial Magistrate Level), Madurai 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.

23.09.2024

mkn
Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.488 of 2024

P. VADAMALAI, J.

mkn

To

- 1.The Additional Mahila Court (Judicial Magistrate Level),
Theni
- 2.The Additional Mahila Court (Judicial Magistrate Level),
Madurai

Tr.CMP.(MD)No.488 of 2024
and
C.M.P.(MD)No.11502 of 2024

23.09.2024