



Tr.CMP.(MD)No.476 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.476 of 2024

and

C.M.P.(MD)No.11082 of 2024

Srividhya @ Ponmalar

.. Petitioner

Vs.

Vinoth @ Navaneethakrishnan

.. 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.126 of 2023 on the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Tiruppur.

For Petitioner : Mr.R.Ramanujam
for M/s.Gandhi Associates

For Respondent : Mr.S.Sankar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.126 of 2023 on the file of the



Tr.CMP.(MD)No.476 of 2024

Family Court, Thanjavur and transfer the same to the file of the Family Court, Tiruppur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.06.2019 at PVR Mahal, Srinivasapuram, Thanjavur. Out of the wedlock, two children, named N.Likitha and N.Harshath, were born on 24.04.2020 and 15.11.2022 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.126 of 2023 on the file of the Family Court, Thanjavur seeking divorce.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her children at Palladam, Tiruppur District. The distance between Tiruppur and Thanjavur is around 230 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a



Tr.CMP.(MD)No.476 of 2024

long distance for attending every Court hearing along with two children.

Hence, she seeks transfer of proceeding in H.M.O.P.No.126 of 2023 from the file of the Family Court, Thanjavur to the file of the Family Court, Tiruppur.

6. The learned counsel for the respondent has filed typed set of papers, and would submit that one Pavithra has lodged a complaint before the Mangalam Police Station, Tiruppur. Based on that complaint, a First Information Report has also been registered as against the respondent in Crime No.44 of 2024 on the file of the Mangalam Police Station, Tiruppur. He would further submit that if the case in H.M.O.P.No.126 of 2023 is transferred to the file of the Family Court, Tiruppur, some direction may be given to the learned Judge, Family Court, Tiruppur to dispose of the case within a time frame.

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.476 of 2024

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, Family Court, Thanjavur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.126 of 2023, to the file of the Family Court, Tiruppur within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Tiruppur is directed to take the case on file and dispose of the same, after giving sufficient opportunity to both the parties, within a period of five months from the date of receipt of such records.

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

19.10.2024

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



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Tr.CMP.(MD)No.476 of 2024

P. VADAMALAI, J.

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To

1.The Family Court,
Thanjavur

2.The Family Court,
Tiruppur

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