



Tr.CMP.(MD)No.483 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.483 of 2024

and

C.M.P.(MD)No.11314 of 2024

Infant Princy

.. Petitioner

Vs.

Hendry

.. Respondent

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.137 of 2024 on the file of the Family Court, Ariyalur and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.M.Maran



Tr.CMP.(MD)No.483 of 2024

ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.137 of 2024 on the file of the Family Court, Ariyalur and transfer the same to the file of the Family Court, Dindigul.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.05.2008 at Pudukkottai, Ariyalur District as per the Christian Rites and Customs. Out of the wedlock, twin children, named Bibin and Biblia, were born on 24.12.2013.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated the proceeding in I.D.O.P.No.299 of 2024 on the file of the Family Court, Dindigul seeking divorce. The respondent/husband has initiated the proceeding in I.D.O.P.No.137 of 2024 on the file of the Family Court, Ariyalur seeking restitution of conjugal rights.



Tr.CMP.(MD)No.483 of 2024

WEB COPY

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 at East Y.M.R.Patti, Dindigul. The distance between Dindigul and Ariyalur is around 380 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 the two children. Hence, she seeks transfer of proceeding in I.D.O.P.No.137 of 2024 from the file of the Family Court, Ariyalur to the file of the Family Court, Dindigul to be tried along with the proceeding in I.D.O.P.No.299 of 2024.

6. The learned counsel for the respondent would submit that without admitting the allegations raised in the petition, the respondent has no objection for the transfer of the proceeding in I.D.O.P.No.137 of 2024 from the file of the Family Court, Ariyalur to the file of the Family Court, Dindigul, and both the cases may be tried jointly by one learned judge.



Tr.CMP.(MD)No.483 of 2024

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 overall facts and circumstances of the case, and considering the fact that there would be a chance for conflicting judgments if both the cases are tried by two different Courts, and also considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Family Court, Ariyalur is directed to transmit the entire records, pertaining to the case in I.D.O.P.No.137 of 2024, 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 hear the case along with the case in I.D.O.P.No.299 of 2024 and dispose of both the cases as expeditiously as possible in accordance with law.



Tr.CMP.(MD)No.483 of 2024

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

26.09.2024

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



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Tr.CMP.(MD)No.483 of 2024

P. VADAMALAI, J.

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To

- 1.The learned Judge, Family Court,
Ariyalur
- 2.The learned Judge, Family Court,
Dindigul

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and
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