



Tr.CMP.(MD)No.492 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.492 of 2024

and

C.M.P.(MD)No.11655 of 2024

Divya

.. Petitioner

Vs.

Priyadharsan

.. 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.21 of 2024 on the file of the Family Court, Tiruchirappalli and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.D.Senthil Kumar

For Respondent : Mr.S.Mahendrapathy



Tr.CMP.(MD)No.492 of 2024

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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.21 of 2024 on the file of the Family Court, Tiruchirappalli and transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.01.2021 at V.K.P. Krishna Mahal, Kamarajapuram, Madurai as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.21 of 2024 on the file of the Family Court, Tiruchirappalli seeking dissolution of marriage.

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



Tr.CMP.(MD)No.492 of 2024

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Kamarajapuram, Madurai under the care of her parents. The distance between the petitioner's place of residence and Tiruchirappalli is around 125 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.21 of 2024 from the file of the Family Court, Tiruchirappalli to the file of the Family Court, Madurai.

6. The learned counsel for the respondent 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.

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.



Tr.CMP.(MD)No.492 of 2024

WEB COPY 9. The learned Judge, Family Court, Tiruchirappalli is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.21 of 2024, to the file of the Family Court, Madurai 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, 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.

04.10.2024

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



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Tr.CMP.(MD)No.492 of 2024

P. VADAMALAI, J.

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To

1.The Family Court,
Tiruchirappalli

2.The Family Court,
Madurai

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and
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