



Tr.CMP.(MD)No.519 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.519 of 2024

and

C.M.P.(MD)No.12297 of 2024

M.Jannipriya

.. Petitioner

Vs.

Vigneshwaran

.. 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.198 of 2024 on the file of the II Additional Sub Court, Coimbatore and transfer the same to the file of the Sub Court, Virudhunagar.

For Petitioner : Mr.C.Thanaseelan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.198 of 2024 on the file of the II



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Additional Sub Court, Coimbatore and transfer the same to the file of the Sub Court, Virudhunagar.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.02.2018 at K.Venkatasamy Naidu – Packiyammal Thirumana Mandabam in Virudhunagar as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Sarveshkrishna, was born on 14.12.2018.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.198 of 2024 on the file of the II Additional Sub Court, Coimbatore seeking divorce.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.



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5. Heard the learned counsel for the petitioner appeared through

WEB CONFERENCE.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Paranginathapuram, Virudhunagar District under the care of her parents. The distance between Virudhunagar and Coimbatore is around 250 Kms, 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 six year old child. Hence, she seeks transfer of proceeding from the file of the II Additional Sub Court, Coimbatore to the file of the Sub Court, Virudhunagar.

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



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9. The learned Judge, II Additional Sub Court, Coimbatore is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.198 of 2024 to the file of the Sub Court, Virudhunagar 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, Sub Court, Virudhunagar 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.

15.10.2024

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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 II Additional Sub Court,
Coimbatore

2.The Sub Court,
Virudhunagar

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and

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