



*Tr.CMP.(MD)No.508 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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**DATED : 04.10.2024**

CORAM

**THE HON'BLE MR JUSTICE P. VADAMALAI**

**Tr.CMP.(MD)No.508 of 2024**

**and**

**C.M.P.(MD)No.11996 of 2024**

Selvapriya

.. Petitioner

Vs.

Ramesh Raja

.. 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. 143 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : No Appearance

**ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.143 of 2024 on the file of the



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Family Court, Theni and transfer the same to the file of the Family Court,

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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.05.2019 at Vigneshwara Marriage Hall, Andipatti as per the Hindu Rites and Customs. Out of the wedlock, a female child was born in the month of June, 2022.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated the proceeding in D.V.C.No.9 of 2024 on the file of the Judicial Magistrate Court, Nilakottai, Dindigul District. Thereafter, the respondent/husband has initiated the proceeding in H.M.O.P.No.143 of 2024 on the file of the Family Court, Theni 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 appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Nilakottai Taluk, Dindigul District. The distance between Nilakottai and Theni is around 100 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 year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Theni to the file of the Family Court, Dindigul.

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, Family Court, Theni is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.143 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 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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**P. VADAMALAI, J.**

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To

1.The Family Court,  
Theni

2.The Family Court,  
Dindigul

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