



Tr.CMP.(MD)No.497 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.497 of 2024

and

C.M.P.(MD)No.11780 of 2024

Lourdu Ranjini

.. Petitioner

Vs.

R.Karthick

.. 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. 201 of 2024 on the file of the Family Court, Tiruvallur and transfer the same to the file of the Sub Court, Nanguneri.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.R.Iyyappan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.201 of 2024 on the file of the Family Court, Tiruvallur and transfer the same to the file of the Sub Court, Nanguneri.



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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 08.09.2017 at V.G.P. Mahal Thirumana Mandapam, Manavala Nagar, Tiruvallur District 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.201 of 2024 on the file of the Family Court, Tiruvallur seeking divorce.

4. Heard the learned counsel for the petitioner appeared before this Court and the learned counsel for the respondent appeared through Video Conference.

5. The learned counsel for the petitioner would submit that the petitioner/wife has resigned her job at Rainbow Children's Hospital, Anna Nagar, Chennai and is now residing at Munnanjipatti, Tirunelveli District under the care of her parents. The distance between Munnanjipatti and Tiruvallur is around 650 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court



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hearing. Further, he would assert that except material hearings, the appearance of the parties is not necessary in the Sub Courts. Hence, the petitioner seeks transfer of proceeding in H.M.O.P.No.201 of 2024 from the file of the Family Court, Tiruvallur to the file of the Sub Court, Nanguneri.

6. The learned counsel for the respondent would submit that the petitioner is still residing at Chennai, and has not even resigned her job. Hence, he has raised strong objection to this petition.

7. However, 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.

9. The learned Judge, Family Court, Tiruvallur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.201 of 2024, to the



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file of the Sub Court, Nanguneri 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, Nanguneri 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.

25.10.2024

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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,
Tiruvallur

2.The Sub Court,
Nanguneri

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and
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