



Tr.CMP.(MD)No.515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.515 of 2024

and

C.M.P.(MD)No.12237 of 2024

Shalini

.. Petitioner

Vs.

Arunkumar

.. 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.289 of 2023 on the file of the Sub Court, Musiri, Trichy District and transfer the same to the file of the Family Court, Karur.

For Petitioner : Mr.S.Gokulraj

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.289 of 2023 on the file of the Sub



Tr.CMP.(MD)No.515 of 2024

Court, Musiri, Trichy District and transfer the same to the file of the Family

Court, Karur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.09.2022 at Ariyavisiyar Thirumana Mandapam, Mettupalayam, Morupatti Majra, Musiri Taluk, Trichy 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.289 of 2023 on the file of the Sub Court, Musiri, Trichy District seeking divorce. The petitioner/wife has also initiated the proceeding in H.M.O.P.No.1 of 2024 on the file of the Family Court, Karur seeking restitution of conjugal rights.

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.



Tr.CMP.(MD)No.515 of 2024

WEB COPY 5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at her parents' home in Thirumanilaiyur, Karur District. The distance between Karur and Musiri is around 120 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. Hence, she seeks transfer of proceeding from the file of the Sub Court, Musiri, Trichy District to the file of the Family Court, Karur.

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.



Tr.CMP.(MD)No.515 of 2024

9. The learned Judge, Sub Court, Musiri, Trichy District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.289 of 2023 to the file of the Family Court, Karur 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, Karur 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

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.515 of 2024

P. VADAMALAI, J.

mkn

To

1.The Sub Court,
Musiri, Trichy District

2.The Family Court,
Karur

Tr.CMP.(MD)No.515 of 2024

and

C.M.P.(MD)No.12237 of 2024

15.10.2024