



Tr.CMP.(MD)No.524 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.524 of 2024

and

C.M.P.(MD)No.12366 of 2024

Dhivya Nisha

.. Petitioner

Vs.

Madhavan

.. 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. 540 of 2024 on the file of the Family Court, Karur District and transfer the same to the file of the Family Court, Trichy District.

For Petitioner : Mr.N.Jamzeer Ali

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.540 of 2024 on the file of the



Tr.CMP.(MD)No.524 of 2024

Family Court, Karur and transfer the same to the file of the Family Court, Trichy.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.05.2021 at Arulmigu Kaasi Viswanatha Swamy Temple, Karur District as per the Hindu Rites and Customs. Out of the wedlock, a male child was born on 14.12.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.540 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.

5. Heard the learned counsel appearing for the petitioner.



Tr.CMP.(MD)No.524 of 2024

WEB COPY

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Sheshayi Nagar, Tiruchirappalli District. The distance between Tiruchirappalli and Karur is around 85 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 one and a half year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Karur to the file of the Family Court, Trichy.

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.

9. The learned Judge, Family Court, Karur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.540 of 2024 to the file



Tr.CMP.(MD)No.524 of 2024

of the Family Court, Trichy 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, Trichy 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

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.524 of 2024

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Karur

2.The Family Court,
Trichy

Tr.CMP.(MD)No.524 of 2024

and

C.M.P.(MD)No.12366 of 2024

04.10.2024