



*Tr.CMP.(MD)No.525 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.525 of 2024**

**and**

**C.M.P.(MD)No.12369 of 2024**

Mahalakshmi @ Magalekshmi

.. Petitioner

Vs.

Selvakumar

.. 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. 978 of 2023 on the file of the Family Court, Kanyakumari at Nagercoil and transfer the same to the file of the Sub Court, Tirunelveli.

For Petitioner : Mr.C.Thangapandy

For Respondent : No Appearance

**ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.978 of 2023 on the file of the



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Family Court, Kanyakumari at Nagercoil and transfer the same to the file of the Principal Sub Court, Tirunelveli.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.08.2021 at Uchimakali Amman Coil, Vagaikulam as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Sivajith, was born on 30.09.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.978 of 2023 on the file of the Family Court, Kanyakumari at Nagercoil 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.



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6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Tirunelveli District. The distance between the petitioner's place of residence and Nagercoil is around 110 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 two year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Kanyakumari at Nagercoil to the file of the Principal Sub Court, Tirunelveli.

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, Kanyakumari at Nagercoil is directed to transmit the entire records, pertaining to the case in H.M.O.P. No.978 of 2023 to the file of the Principal Sub Court, Tirunelveli 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, Principal Sub Court, Tirunelveli 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,  
Kanyakumari at Nagercoil
- 2.The Principal Sub Court,  
Tirunelveli

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