



Tr.CMP.(MD)No.586 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.586 of 2022

and

C.M.P.(MD)No.9405 of 2022

Maheswari

.. Petitioner

Vs.

Ramesh

.. 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.936 of 2021 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Kovilpatti.

For Petitioner : Mr.S.Vijayakumar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.936 of 2021 on the file of the



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Family Court, Madurai and transfer the same to the file of the Sub Court, Kovilpatti.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.11.2013 at Sivanthi Adithanar Mahal, Thathaneri, Madurai as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Myleshwaran, was born, on 02.06.2017.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.936 of 2021 on the file of the Family Court, Madurai seeking divorce. Thereafter, the petitioner/wife has initiated the proceeding in M.C.No.1 of 2022 on the file of the District Munsif cum Judicial Magistrate, Vilathikulam seeking maintenance.

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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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 with her child at Vilathikulam, Tuticorin District under the care of her parents. The distance between Vilathikulam and Madurai is around 100 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 seven year old child. However, she now seeks transfer of proceeding in H.M.O.P.No.936 of 2021 from the file of the Family Court, Madurai to the file of the Sub Court, Thoothukudi.

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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WEB COPY 9. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.936 of 2021 to the file of the Sub Court, Thoothukudi 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, Thoothukudi 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.

29.10.2024

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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,
Madurai

2.The Sub Court,
Thoothukudi

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