



Tr.CMP.(MD)No.552 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.552 of 2024

and

C.M.P.(MD)No.13234 of 2024

Nirmalasarathi

.. Petitioner

Vs.

Lenin @ Duraipandi

.. 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. 139 of 2024 on the file of the Family Court, Dindigul and transfer the same to the file of the III Additional Sub Court, Madurai to be tried jointly with H.M.O.P.No.287 of 2022.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.139 of 2024 on the file of the



Tr.CMP.(MD)No.552 of 2024

Family Court, Dindigul and transfer the same to the file of the III Additional Sub Court, Madurai to be tried jointly with H.M.O.P.No.287 of 2022.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.06.2009 at R.K.S. Thirumana Mandapam, Vendasandur, Dindigul District as per the Hindu Rites and Customs. Out of the wedlock, two children, named Sanjeevan and Jeevika, were born on 11.01.2011 and 09.06.2012 respectively.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.287 of 2022 on the file of the III Additional Sub Court, Madurai seeking restitution of conjugal rights. Thereafter, the respondent/husband has initiated the proceeding in H.M.O.P.No.139 of 2024 on the file of the Family Court, Dindigul seeking divorce.

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



Tr.CMP.(MD)No.552 of 2024

has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

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 children at Melakkal, Madurai District. The distance between Melakkal and Dindigul is around 50 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 two children. Hence, she seeks transfer of proceeding in H.M.O.P.No.139 of 2024 from the file of the Family Court, Dindigul to the file of the III Additional Sub Court, Madurai.

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.



Tr.CMP.(MD)No.552 of 2024

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, Dindigul is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.139 of 2024 to the file of the III Additional Sub Court, Madurai 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, III Additional Sub Court, Madurai is directed to take the case on file, and try the case along with H.M.O.P.No.287 of 2022 and dispose of both the cases 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

mkn
Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.552 of 2024

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Dindigul

2.The III Additional Sub Court,
Madurai

Tr.CMP.(MD)No.552 of 2024

and

C.M.P.(MD)No.13234 of 2024

25.10.2024