



Tr.CMP.(MD)No.609 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.609 of 2023

and

C.M.P.(MD)No.13539 of 2023

Manjammal Devi

.. Petitioner

Vs.

1.R.Valivitta Ayyanar @ Pradeepkumar

2.Bismillakhan

.. Respondents

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. 342 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Vallioor to be tried along with H.M.O.P.No.26 of 2023.

For Petitioner : Mr.S.Kishore Kumar

For R1 : No Appearance

For R2 : Mr.V.George Raja



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.342 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Vallioor to be tried along with H.M.O.P.No.26 of 2023.

2. The petitioner is the wife and the 1st respondent herein is the husband. The marriage between the petitioner and the 1st respondent was solemnized on 08.12.2021 at Madurai as per Hindu Rites and Customs. From the wedlock, a child was born on 17.11.2022.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding seeking restitution of conjugal rights in H.M.O.P.No.26 of 2023 on the file of the Sub Court, Vallioor. Subsequently, the 1st respondent/husband has initiated the proceeding in H.M.O.P.No.342 of 2023 on the file of the Family Court, Madurai seeking divorce.

4. The name of the 1st respondent has been printed in the cause list. Despite the name has been printed in the cause list, the 1st



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respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition. The learned counsel for the 2nd respondent submits that he is only a formal party to this transfer petition.

5. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel for the 2nd respondent.

6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Vallioor, Tirunelveli District. The distance between Vallioor and Madurai is around 430 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance along with the 2 year old child for attending every Court hearing at Madurai. Hence, she seeks transfer of proceeding from the file of the Family Court, Madurai to the file of the Sub Court, Vallioor.

7. Taking into consideration the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.



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8. The learned Judge, Family Court, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.342 of 2023 to the file of the Sub Court, Vallioor, and on receipt of such records, the learned Judge, Sub Court, Vallioor is directed to take the case on file and dispose of the same along with H.M.O.P.No.26 of 2023 in accordance with law.

9. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.08.2024

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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 learned Judge, Family Court,
Madurai
- 2.The learned Judge, Sub Court,
Vallioor

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and
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