



*Tr.CMP.(MD)No.574 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

**DATED : 30.09.2024**

CORAM

**THE HON'BLE MR JUSTICE P. VADAMALAI**

**Tr.CMP.(MD)No.574 of 2023**

**and**

**C.M.P.(MD)No.13079 of 2023**

M.Sreemathi

.. Petitioner

Vs.

Rajkumar

.. 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. 118 of 2022 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Karur.

For Petitioner : Mr.V.Nagarajan

For Respondent : Ms.P.Krishnaveni

**ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.118 of 2022 on the file of the



*Tr.CMP.(MD)No.574 of 2023*

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

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.04.2010 at Nagarathar Kalyana Mahal, Rajalakshmi Nagar, Natham Road, Dindigul as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Aakash, was born on 07.02.2011.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated the proceeding seeking maintenance in M.C.No.9 of 2023 on the file of the Chief Judicial Magistrate, Karur and the same was transferred to the Family Court, Karur, and was re-numbered as M.C.No.36 of 2023. The respondent/husband has initiated the proceeding in H.M.O.P.No.118 of 2022 on the file of the Family Court, Dindigul seeking divorce.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



*Tr.CMP.(MD)No.574 of 2023*

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Shanmuga Nagar, Manmangalam Taluk, Karur District. The distance between dindigul and Karur is around 150 Kms to and fro, and the petitioner, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with her child. Hence, she seeks transfer of proceeding from the file of the Family Court, Dindigul to the file of the Family Court, Karur. Further, he would submit that the maintenance case filed by the petitioner in M.C.No.36 of 2023 on the file of the Family Court, Karur has already been disposed of.

6. The learned counsel for the respondent has raised strong objection to this petition.

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.574 of 2023*

8. Considering the above 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.118 of 2022, to the file of the Family Court, Karur within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Karur is directed to take the case on file and dispose of the same in accordance with law within a period of three months from the date of receipt of such records.

10. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

**30.09.2024**

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



WEB COPY



*Tr.CMP.(MD)No.574 of 2023*

**P. VADAMALAI, J.**

mkn

To

1.The Family Court,  
Dindigul

2.The Family Court,  
Karur

**Tr.CMP.(MD)No.574 of 2023**

**and**

**C.M.P.(MD)No.13079 of 2023**

**30.09.2024**