



Tr.CMP.(MD)No.701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.701 of 2022

and

C.M.P.(MD)No.11108 of 2022

K.R.Santhamani

.. Petitioner

Vs.

K.P.Ramprakash

.. 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. 2745 of 2022 on the file of the Family Court, Chennai and transfer the same to the file of the Sub Court, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.C.Susi Kumar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.2745 of 2022 on the file of the



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Family Court, Chennai and transfer the same to the file of the Sub Court, Paramakudi, Ramanathapuram District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.06.2008 at Paramakudi, Ramanathapuram District as per the Hindu Rites and Customs. Out of the wedlock, three children were born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.2745 of 2022 on the file of the Family Court, Chennai 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 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 now residing with her children at Paramakudi, Ramanathapuram District under the care of her parents. The distance between Ramanathapuram and Chennai is around 510 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the children. Hence, she seeks transfer of proceeding from the file of the Family Court, Chennai to the file of the Sub Court, Paramakudi.

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.

9. The learned Judge, Family Court, Chennai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.2745 of 2022, to



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the file of the Sub Court, Paramakudi 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, Paramakudi, Ramanathapuram District is directed to take the case on file and dispose of the same in accordance with law.

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

01.10.2024

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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,
Chennai
- 2.The Sub Court,
Paramakudi,
Ramanathapuram District

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