



Tr.CMP.(MD)No.559 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.559 of 2023

and

C.M.P.(MD)No.12824 of 2023

Deepika

.. Petitioner

Vs.

Kumaresan

.. 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. 347 of 2023 on the file of the Family Court, Karur and transfer the same to the file of the Family Court, Namakkal.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.R.Ramanujam

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.347 of 2023 on the file of the



Tr.CMP.(MD)No.559 of 2023

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

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.12.2019 at Arulmigu Sree Balasubramaniaswamy Thirukoil, Vennaimalai as per the Hindu Rites and Customs. Out of the wedlock, a male child, named K.Nisvanth, was born on 30.09.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.347 of 2023 on the file of the Family Court, Karur seeking divorce.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Kottai Colony in Namakkal Taluk and District. The distance between Namakkal and Karur is around 100 Kms to and fro, and the petitioner, being a lady, finds it very difficult to



Tr.CMP.(MD)No.559 of 2023

travel such a long distance for attending every Court hearing along with the 2 year old child. Hence, she seeks transfer of proceeding from the file of the Family Court, Karur to the file of the Family Court, Namakkal.

6. The learned counsel for the respondent has raised only formal 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.

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, Karur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.347 of 2023, to the file of the Family Court, Namakkal 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



Tr.CMP.(MD)No.559 of 2023

Judge, Family Court, Namakkal is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

27.09.2024

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



WEB COPY



Tr.CMP.(MD)No.559 of 2023

P. VADAMALAI, J.

mkn

To

- 1.The Family Court,
Karur
- 2.The Family Court,
Namakkal

Tr.CMP.(MD)No.559 of 2023
and
C.M.P.(MD)No.12824 of 2023

27.09.2024