



Tr.CMP.(MD)No.761 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.761 of 2022

and

C.M.P.(MD)No.12243 of 2022

C.Saranya

.. Petitioner

Vs.

S.Ganesh Prabhu

.. 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.728 of 2021 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Virudhunagar.

For Petitioner : Mr.T.Pon Ramkumar

For Respondent : Mr.R.Rajaraman

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.728 of 2021 on the file of the



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Family Court, Madurai and transfer the same to the file of the Sub Court, Virudhunagar.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.10.2017 at V.V.S.Thirumana Mandapam, Aruppukkottai Road, Virudhunagar as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.728 of 2021 on the file of the Family Court, Madurai seeking divorce on the ground of cruelty.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Balan Nagar, Virudhunagar under the care of her mother. The distance between Virudhunagar and Madurai is around 57 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel



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such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.728 of 2021 from the file of the Family Court, Madurai to the file of the Sub Court, Virudhunagar.

6. The learned counsel for the respondent has not raised any 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 overall 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, Madurai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.728 of 2021, to the file of the Sub Court, Virudhunagar within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the



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learned Judge, Sub Court, Virudhunagar is directed to take the case on file and dispose of the same, within a period of six months from the date of receipt of records, in accordance with law.

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

29.10.2024

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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,
Madurai

2.The Sub Court,
Virudhunagar

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