



Tr.CMP.(MD)No.770 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.770 of 2022

and

C.M.P.(MD)No.12402 of 2022

J.Manonmani

.. Petitioner

Vs.

S.Rajan

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.484 of 2022 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Ms.V.Sujatha

For Respondent : Mr.A.Jayaramachandran



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ORDER

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The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.P.No.484 of 2022 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Trichy.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.04.2021 at Dindigul as per the Christian Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in O.P.No.484 of 2022 on the file of the Family Court, Theni seeking divorce.

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 Srinivasa Nagar, Trichy District under the care of her parents. The distance between the petitioner's place of residence and Theni is around 150 Kms, and the petitioner/wife, being a lady, finds it



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very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in O.P.No.484 of 2022 from the file of the Family Court, Theni to the file of the Family Court, Trichy.

6. The learned counsel for the respondent would submit that instead of Family Court, Trichy, the case in O.P.No.484 of 2022 on the file of the Family Court, Theni may be transferred to the file of any Court at Madurai, since Madurai would be convenient for the respondent to appear for each and every Court hearing.

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.



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9. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in O.P.No.484 of 2022, to the file of the Family Court, Trichy 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, Family Court, Trichy is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

04.10.2024

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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,
Theni

2.The Family Court,
Trichy

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and
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