



Tr.CMP.(MD)No.703 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.703 of 2023

and

C.M.P.(MD)No.15827 of 2023

N.Dharshini

.. Petitioner

Vs.

T.Velmurugan

.. 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.2 of 2023 on the file of the Family Court, Tiruppur and transfer the same to the file of the Sub Court, Tirunelveli.

For Petitioner : Mr.D.Jebaraj

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.2 of 2023 on the file of the Family



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Court, Tiruppur and transfer the same to the file of the Sub Court, Tirunelveli.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.11.2021 at Lakshmi Thirumana Mandapam, Tirunelveli 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.2 of 2023 on the file of the Family Court, Tiruppur 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 at Tirunelveli under the care of her mother.

The distance between Tirunelveli and Tiruppur is around 400 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.2 of 2023 from the file of the Family Court, Tiruppur to the file of the Sub Court, Tirunelveli.

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, Tiruppur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.2 of 2023 to the file of the Sub Court, Tirunelveli within a period of three weeks from the date



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of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Tirunelveli 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.

25.10.2024

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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,
Tiruppur

2.The Sub Court,
Tirunelveli

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and

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