



Tr.CMP.(MD)No.774 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.10.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.774 of 2023

and

C.M.P.(MD)No.17407 of 2023

Gayathri

.. Petitioner

Vs.

V.Vijayakumar

.. 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.238 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr.K.Mu.Muthu

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.238 of 2023 on the file of the Sub



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Court, Devakottai and transfer the same to the file of the Principal Family

Court, Coimbatore.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.11.2013 at Venthanpatti, Nandeeswarar Nagarathar Kalyanamandapam, Vedanpatti as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Mithun, was born, who is aged about 9 years as of today.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has filed the proceeding in H.M.O.P.No.238 of 2023 on the file of the Sub Court, Devakottai 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 child at Papanayakanpudur, Coimbatore. The distance between Coimbatore and Devakottai is around 600 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the nine year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.238 of 2023 from the file of the Sub Court, Devakottai to the file of the Principal Family Court, Coimbatore.

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.



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9. The learned Judge, Sub Court, Devakottai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.238 of 2023 to the file of the Principal Family Court, Coimbatore 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, Principal Family Court, Coimbatore 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.

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 Sub Court,
Devakottai

2.The Principal Family Court,
Coimbatore

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and

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