



Tr.CMP.(MD)No.33 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.33 of 2025

and

C.M.P.(MD)No.862 of 2025

K.Vigneshwari

.. Petitioner

Vs.

S.K.Sundarapandian

.. 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.124 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.T.Antony Arulraj

For Respondent : Mr.G.Rajendran

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.124 of 2023 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Trichy.



Tr.CMP.(MD)No.33 of 2025

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.09.2017 at Shanmuganathan Temple, Kundrakudi as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated. Originally, the petitioner/wife has initiated a proceeding in H.M.O.P. No.299 of 2022 on the file of the Family Court, Trichy seeking dissolution of marriage. Thereafter, the said proceeding, at the instance of the respondent/husband, was transferred to the file of the Family Court, Theni, vide order of this Court, dated 20.01.2023, in Tr.C.M.P.(MD)No.401 of 2022, since the petitioner/wife was also, at that point of time, working at Theni. The said proceeding was re-numbered as H.M.O.P.No.124 of 2023 on the file of the learned Judge, Family Court, Theni.

4. On 06.11.2023, the learned Judge, Family Court, Theni has passed an *ex parte* order by granting decree of divorce to the parties. Thereafter, the respondent/husband has filed an Interlocutory Application, in I.A.No.2 of 2024, before the Family Court, Theni to set aside the *ex parte* order granting decree of divorce and the same was allowed on 09.10.2024.



Tr.CMP.(MD)No.33 of 2025

Thereafter, the said *ex parte* order was set aside and the proceeding in H.M.O.P.No.124 of 2023 was restored on the file of the learned Judge, Family Court, Theni.

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 on 22.09.2023, the petitioner got transferred and posted to Administrative Office of State Bank of India, Trichy. Since then, she has been residing at Trichy under the care of her parents. The distance between Trichy and Theni is around 360 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. Hence, she seeks transfer of proceeding in H.M.O.P.No.124 of 2023 from the file of the Family Court, Theni to the file of the Family Court, Trichy.

6. The learned counsel for the respondent has raised only formal objection to this petition, and would submit that the respondent is ready to settle the matter amicably through Mediation.



Tr.CMP.(MD)No.33 of 2025

WEB COPY 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, Theni is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.124 of 2023, 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 refer both the parties to the District Mediation Centre, Tiruchirappalli and dispose of the case as expeditiously as possible in accordance with law.



Tr.CMP.(MD)No.33 of 2025

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

17.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.33 of 2025

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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