



Tr.CMP.(MD)No.31 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.31 of 2025

and

C.M.P.(MD)No.774 of 2025

B.Divya

.. Petitioner

Vs.

R.Kabildev

.. 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.120 of 2024 on the file of the Principal Sub Court, Pudukottai and transfer the same to the file of the Family Court, Nagapattinam.

For Petitioner : Mr.N.Dilipkumar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.120 of 2024 on the file of the Principal Sub Court, Pudukottai and transfer the same to the file of the Family Court, Nagapattinam.



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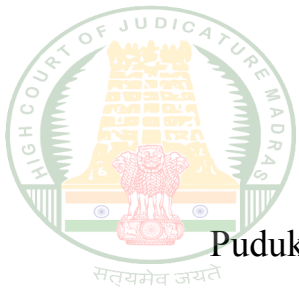
WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 11.02.2022 at T.I.Mahal in Cauvery Nagar, Thanjavur. Out of wedlock, a male child, named Yazh Iniyan, was born on 16.08.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.120 of 2024 on the file of the Principal Sub Court, Pudukottai 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.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Nagapattinam District under the care of her parents. The distance between Nagapattinam and



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Pudukottai is around 150 Kms, 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 one and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.120 of 2024 from the file of the Principal Sub Court, Pudukottai to the file of the Family Court, Nagapattinam.

7. It is well settled proposition of law that whenever 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, Principal Sub Court, Pudukottai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.120 of 2024 to the file of the Family Court, Nagapattinam within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such



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records, the learned Judge, Family Court, Nagapattinam 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.

13.02.2025

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 Principal Sub Court,
Pudukottai.

2.The Family Court,
Nagapattinam.

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and

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