

Tr.CMP.(MD)No.36 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

**Tr.CMP.(MD)No.36 of 2025**

**and**

**C.M.P.(MD)No.1037 of 2025**

Vaishnavi Christial

.. Petitioner

Vs.

A.Peter Prasath

.. Respondent

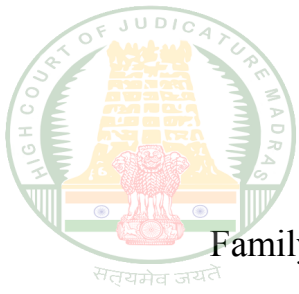
**Prayer** : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P. No.1016 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Additional District Court, Virudhunagar.

For Petitioner : Mr.M.Jothi Basu

For Respondent : No Appearance

**ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.1016 of 2024 on the file of the



*Tr.CMP.(MD)No.36 of 2025*

Family Court, Madurai and transfer the same to the file of the Additional District Court, Virudhunagar.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.01.2018 at Madurai District as per the Christian Rites and Customs. Out of wedlock, a male child, named Riyash Dev, was born on 30.03.2021.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in I.D.O.P.No.1016 of 2024 on the file of the Family Court, Madurai seeking divorce. The petitioner/wife has initiated a proceeding in M.C.No.23 of 2024 on the file of the Judicial Magistrate No.II, Virudhunagar seeking maintenance.

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.



*Tr.CMP.(MD)No.36 of 2025*

**WEB COPY** 6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Rosalpatti, Virudhunagar District. The distance between the petitioner's place of residence and Madurai is around 120 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 three and a half year old child. Hence, she seeks transfer of proceeding in I.D.O.P.No.1016 of 2024 from the file of the Family Court, Madurai to the file of the Additional District Court, Virudhunagar.

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.



*Tr.CMP.(MD)No.36 of 2025*

9. The learned Judge, Family Court, Madurai is directed to transmit

the entire records pertaining to the case in I.D.O.P.No.1016 of 2024 to the file of the Additional District Court, Virudhunagar 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, Additional District Court, Virudhunagar 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.

**20.02.2025**

Index:Yes/No  
Speaking Order :Yes/No  
Neutral Citation:Yes/No  
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*Tr.CMP.(MD)No.36 of 2025*

**P. VADAMALAI, J.**

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To

- 1.The Family Court,  
Madurai.
- 2.The Additional District Court,  
Virudhunagar.

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