

Tr.C.M.P(MD)No.52 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **07.03.2025**

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.52 of 2025

and

C.M.P(MD)No.1516 of 2025

Abinaya @ Kaviya

... Petitioner

Vs.

S.Gopalakrishnan

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.226 of 2023 pending before the Family Court at Trichy and transfer the same to Family Court, Thanjavur District.

For Petitioner : Mr.T.Eashwar

For Respondent : Mr.S.Deenadhayalan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.226 of 2023 pending before the Family Court, Trichy and transfer the same to the Family Court, Thanjavur District.



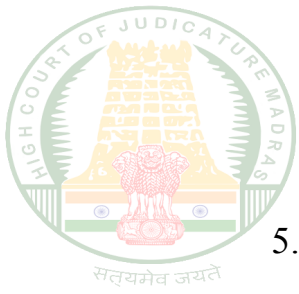
Tr.C.M.P(MD)No.52 of 2025

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 25.01.2021 at V.S.M.Mahal, Near TVS Tollgate, Trichy – 21 as per the Hindu Rites and Customs. Out of wedlock, they blessed with a male child, aged 3 years. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed a petition in H.M.O.P.No.226 of 2023 on the file of the Family Court, Trichy, seeking for dissolution of marriage.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The learned counsel for the petitioner submitted that the petitioner is residing with her parent's at Kovilpaththu, Thanjavur District. The distance between the petitioner's place of residence and Trichy is more than 150 kms and the petitioner/wife, being a lady finds it very difficult to travel such a long distance to attend the Court hearing at Trichy along with her three year old child. Hence, she seeks to transfer the case as prayed for.



Tr.C.M.P(MD)No.52 of 2025

5. The learned counsel for the respondent has raised strong objection to

allow this petition.

6. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the petition before the Family Court, Trichy, seeking for dissolution of marriage. 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. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

7. The learned Judge, Family Court, Trichy, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.226 of 2023 to the file of the Family Court, Thanjavur 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, Thanjavur, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



Tr.C.M.P(MD)No.52 of 2025

WEB COPY 8. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

07.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Family Court,
Trichy.
- 2.The Family Court,
Thanjavur District.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD)No.52 of 2025

P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.52 of 2025
and
C.M.P(MD)No.1516 of 2025

07.03.2025