



Tr.CMP.(MD)No.59 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.59 of 2025

and

C.M.P.(MD)No.1721 of 2025

Asma

.. Petitioner

Vs.

Mohammed Samsul Rafee

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.19 of 2024 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.S.Vishnuvaradhan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.S.No.19 of 2024 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court, Tirunelveli.



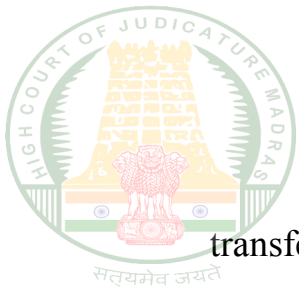
Tr.CMP.(MD)No.59 of 2025

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 24.08.2022 at Melaseval Town Panchayat Kalyanamahal as per the Islamic Rites and Customs. Out of wedlock, a female child, named Mohideen Asra Fathima, was born on 01.07.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in O.S.No.19 of 2024 on the file of the Family Court, Thoothukudi seeking dissolution of marriage.

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

5. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Melaseval, Tirunelveli District under the care of her parents. The distance between Tirunelveli and Thoothukudi is around 90 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 one and a half year old child. Hence, she seeks



Tr.CMP.(MD)No.59 of 2025

transfer of proceeding in O.S.No.19 of 2024 from the file of the Family Court, Thoothukudi to the file of the Family Court, Tirunelveli.

6. The learned counsel for the respondent has raised only formal objection to allow this petition.

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, Thoothukudi is directed to transmit the entire records pertaining to the case, in O.S.No.19 of 2024, to the file of the Family Court, Tirunelveli 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, Tirunelveli is directed to take the case on file



Tr.CMP.(MD)No.59 of 2025

and dispose of the same as expeditiously as possible in accordance with

WEB COPY law.

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

28.03.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.59 of 2025

P. VADAMALAI, J.

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To

- 1.The Family Court,
Thoothukudi.
- 2.The Family Court,
Tirunelveli.

Tr.CMP.(MD)No.59 of 2025
and
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