



Tr.CMP.(MD)No.97 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.97 of 2025

and

C.M.P.(MD)No.2462 of 2025

Sudha

.. Petitioner

Vs.

Gopala Krishnan

.. 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.1601 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Karur to be tried along with H.M.O.P.No.718 of 2024.

For Petitioner : Mr.D.Venkatesh

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1601 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Karur to be tried along with H.M.O.P.No.718 of 2024.



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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 18.12.2008 at Madurai as per the Hindu Rites and Customs. Out of wedlock, a male child, named Ashwin Pandi, was born on 23.08.2010.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.1601 of 2024 on the file of the Family Court, Madurai seeking restitution of conjugal rights. The petitioner/wife has initiated the proceeding in H.M.O.P.No.718 of 2024 on the file of the Family Court, Karur 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.



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WEB COPY 6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Krishnarayapuram Taluk, Karur District under the care of her parents. The distance between Karur and Madurai is around 280 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 fourteen and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.1601 of 2024 from the file of the Family Court, Madurai to the file of the Family Court, Karur to be tried along with H.M.O.P.No.718 of 2024.

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 overall facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



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

the entire records pertaining to the case in H.M.O.P.No.1601 of 2024 to the file of the Family Court, Karur 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, Karur is directed to take the case on file, and try the case along with H.M.O.P.No.718 of 2024, and dispose of both the cases 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.

24.04.2025

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 Family Court,
Madurai.

2.The Family Court,
Karur.

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and
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