



Tr.CMP.(MD)No.136 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.136 of 2025

and

C.M.P.(MD)No.3244 of 2025

Maragatham

.. Petitioner

Vs.

M.Senthil

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.P.No.39 of 2023 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.B.Jameelarasu

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.P.No.39 of 2023 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Family Court, Erode.



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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 28.03.2007 at Erode District as per the Hindu Rites and Customs. Out of wedlock, two male children, named Sandeep Krishnan and Deekson, were born on 09.02.2008 and 27.06.2016 respectively.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in D.V.C.No.32 of 2021 on the file of the Additional Mahila Court, Erode seeking protection. Thereafter, the respondent/husband has initiated the proceeding in O.P.No.39 of 2023 on the file of the III Additional Sub Court, Madurai 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.



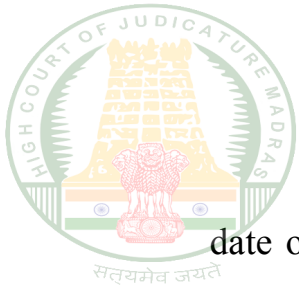
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6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her children at Periyasemoor, Erode District. The distance between Erode and Madurai is around 400 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in O.P.No.39 of 2023 from the file of the III Additional Sub Court, Madurai to the file of the Family Court, Erode.

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.

9. The learned Judge, III Additional Sub Court, Madurai is directed to transmit the entire records pertaining to the case in O.P.No.39 of 2023 to the file of the Family Court, Erode within a period of three weeks from the



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date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Erode 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.

29.04.2025

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 III Additional Sub Court,
Madurai.
- 2.The Family Court,
Erode.

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and
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