



Tr.CMP.(MD)No.110 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.110 of 2025

and

C.M.P.(MD)No.2672 of 2025

J.Maheswari

.. Petitioner

Vs.

M.Loganathparanidaran

.. 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.17 of 2025 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Thanjavur.

For Petitioner : Mr.R.Kavinprakash

For Respondent : Mr.S.Mahendrapathy

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.17 of 2025 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Thanjavur.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.05.2018 at Green Palace, Pudukottai as per the Hindu Rites and Customs. Out of wedlock, a male child, named L.M.Devadarsh, was born on 15.06.2019.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.17 of 2025 on the file of the Family Court, Madurai seeking divorce.

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 Thanjavur District under the care of her father, and the said child is suffering with Autism. The distance between Thanjavur and Madurai is around 185 Kms, 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 five and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.17 of



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2025 from the file of the Family Court, Madurai to the file of the Family Court, Thanjavur.

6. The learned counsel for the respondent submits that for the convenience of both the parties, the proceeding in H.M.O.P.No.17 of 2025 may be transferred from the file of the Family Court at Madurai to the file of any Court at Trichy, for which the learned counsel for the petitioner has raised strong objection submitting that since the petitioner is having a child affected with autism, it would not be convenient for her to travel to Trichy, which is 65 Kms away from her place of residence.

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 considering the convenience of the wife, and also considering the fact that the petitioner/wife is having a child affected with autism, this Court is inclined to allow this petition.



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WEB COPY 9. The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.17 of 2025, 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.

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

07.04.2025

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,
Thanjavur.

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and

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