



Tr.CMP.(MD)No.143 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.143 of 2025

and

C.M.P.(MD)No.3436 of 2025

Prathiba

.. Petitioner

Vs.

Nagaraj

.. 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.182 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.P.Surliraja

For Respondent : Mr.V.Deva Kumar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.182 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Trichy.



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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 28.08.2020 at Irattai Malai Koil, Trichy District as per the Hindu Rites and Customs. Out of wedlock, a child was born on 27.11.2023 and subsequently, due to medical illness, the child passed away.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.182 of 2024 on the file of the Family Court, Sivagangai 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 residing at Edamalaipatti Pudur, Tiruchirappalli District under the care of her parents. The distance between Edamalaipatti Pudur and Sivagangai is around 260 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. Further, he submits that the petitioner/wife has also



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initiated a proceeding in D.V.C.No.6 of 2025 on the file of the Additional Mahila Court, Trichy. Hence, she seeks transfer of proceeding in H.M.O.P.No.182 of 2024 from the file of the Family Court, Sivagangai to the file of the Family Court, Trichy.

6. The learned counsel for the respondent submits that the respondent/husband is working at Chennai. If the proceeding in H.M.O.P.No.182 of 2024 is transferred from the file of the Family Court at Sivagangai to the file of the Family Court at Trichy, he would also be put to much hardship by travelling from Chennai to Trichy. Hence, instead of Family Court at Trichy, the proceeding in H.M.O.P.No.182 of 2024 may be transferred to the file of any of the Sub Court at Trichy, where the presence of either party is necessary only for indispensable hearings.

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.



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8. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the submission made by the learned counsel for the respondent, this Court is inclined to allow this petition.

9. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.182 of 2024, to the file of the Principal Sub Court, Trichy 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, Principal Sub Court, Trichy 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.

15.04.2025

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,
Sivagangai.

2.The Principal Sub Court,
Trichy.

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