



Tr.C.M.P(MD)No.160 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.160 of 2025

and

C.M.P(MD)No.4055 of 2025

Vasanthi

... Petitioner

Vs.

R.Narayanan

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in O.P.No.597 of 2024 for divorce on the file of the Family Court, Theni to the Family Court, Madurai District.

For Petitioner : Mr.S.Vanchinathan

For Respondent : Mr.M.Pounraj



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ORDER

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This Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.P.No.597 of 2024 from the file of the Family Court, Theni and transfer the same to the file of the Family Court, Madurai District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 21.08.2002 at Melmangalam Raja Kaliappan Thirukovil, Theni District as per Hindu rites and customs. Out of wedlock, they blessed with two children aged 15 years and 8 years respectively. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed the petition in O.P.No.597 of 2024 on the file of the Family Court, Theni, seeking divorce.

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

4. The learned counsel for the petitioner submitted that the petitioner is residing at Madurai. The distance between the petitioner's place of residence and Theni is 164 kms up and down and the petitioner/wife, being a lady, finds it



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very difficult to travel such a long distance to attend every Court hearing at
Theni.

5. The learned counsel for the respondent raised strong objection to allow this petition. _

6. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the petition before the Family Court, Theni, seeking divorce. It is also admitted that the petitioner/wife is residing at Madurai. 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. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.P.No.597 of 2024 pending on the file of the Family Court, Theni, is hereby withdrawn and transferred to the file of the Family Court, Madurai, for disposal



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in accordance with law.

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8. The learned Judge, Family Court, Theni, is directed to transmit the entire records pertaining to the case in O.P.No.597 of 2024 to the transferee Court, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Judge, Family Court, Madurai, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Family Court,
Theni.
2. The Family Court,
Madurai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.160 of 2025
and
C.M.P(MD)No.4055 of 2025

28.03.2025