



Tr.CMP.(MD)No.163 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.163 of 2025

and

C.M.P.(MD)No.4066 of 2025

D.Saraswathi

.. Petitioner

Vs.

S.Chinnadurai

.. 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.416 of 2024 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.Gautham Sarathy

For Respondent : Mr.Karthikeya Venkitachalapathy

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.416 of 2024 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court, Tirunelveli.



Tr.CMP.(MD)No.163 of 2025

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 22.01.2018 at Arulmigu Bagampiriyal Udanurai Sankararameshwarar Temple, Thoothukudi as per the Hindu Rites and Customs. Out of wedlock, a female child, named Anesha, was born on 16.12.2018.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.416 of 2024 on the file of the Family Court, Thoothukudi 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 with her child at Palayamkottai Taluk, Tirunelveli District under the care of her mother. The distance between the petitioner's place of residence and Thoothukudi is around 110 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 six year old child.



Tr.CMP.(MD)No.163 of 2025

Hence, she seeks transfer of proceeding in H.M.O.P.No.416 of 2024 from the file of the Family Court, Thoothukudi to the file of the Family Court, Tirunelveli.

6. The learned counsel for the respondent submits that the respondent/husband has not raised any objection for the transfer of proceeding, in H.M.O.P.No.416 of 2024, from the file of the Family Court at Thoothukudi to the file of the Family Court at Tirunelveli, but he requests this Court that a direction may be given to the learned Family Judge, Tirunelveli to dispose of the case as early as possible.

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 submissions made by the learned counsel on either side, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.163 of 2025

WEB COPY 9. The learned Judge, Family Court, Thoothukudi is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.416 of 2024, to the file of the Family Court, Tirunelveli 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, Tirunelveli is directed to take the case on file and dispose of the same in accordance with law within a period of nine months from the date of receipt of records.

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

17.04.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.163 of 2025

P. VADAMALAI, J.

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To

1.The Family Court,
Thoothukudi.

2.The Family Court,
Tirunelveli.

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