



Tr.CMP.(MD)No.158 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.158 of 2025

and

C.M.P.(MD)No.4050 of 2025

S.Tulasimani @ Umaiyal

.. Petitioner

Vs.

K.T.Palaniappan @ Sabarathinam

.. 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.40 of 2025 on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.C.Gangai Amaran

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.40 of 2025 on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Madurai.



Tr.CMP.(MD)No.158 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 16.09.2015 at Sellayee Amman Temple, Sivagangai District as per the Hindu Rites and Customs. Out of wedlock, two children, named PL.Meenakshi and PL.Varatharaj, were born on 05.07.2016 and 13.08.2020 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.40 of 2025 on the file of the Family Court, Salem 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.

6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her children at Jeeva Nagar, Madurai



Tr.CMP.(MD)No.158 of 2025

District under the care of her parents. The distance between Madurai and Salem is around 500 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 two children. Hence, she seeks transfer of proceeding in H.M.O.P.No.40 of 2025 from the file of the Family Court, Salem to the file of the Family Court, Madurai.

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, Family Court, Salem is directed to transmit the entire records pertaining to the case in H.M.O.P.No.40 of 2025 to the file of the Family Court, Madurai 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



Tr.CMP.(MD)No.158 of 2025

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.

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
mkn



WEB COPY



Tr.CMP.(MD)No.158 of 2025

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Salem.

2.The Family Court,
Madurai.

Tr.CMP.(MD)No.158 of 2025
and
C.M.P.(MD)No.4050 of 2025

17.04.2025