



Tr.CMP.(MD)No.210 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.210 of 2025

and

C.M.P.(MD)Nos.5280 & 5281 of 2025

A.Ramolin Preethi

.. Petitioner

Vs.

A.Ferdinand Rosario

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in D.O.P.No.296 of 2024 on the file of the II Additional District and Sessions Court, Tiruchirappalli and transfer the same to the file of the Principal District Court, Dindigul.

For Petitioner : Mr.Anand R.

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in D.O.P.No.296 of 2024 on the file of the II Additional District and Sessions Court, Tiruchirappalli and transfer the same to the file of the Principal District Court, Dindigul.



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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 St. John The Babtist Church, N.Poolampatty, Tiruchirappalli District as per the Christian Rites and Customs. Out of wedlock, two female children, namely F.Kiyona Jophiel and F.Kayra Haniel, were born on 26.03.2017 and 27.01.2021 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in D.O.P.No.296 of 2024 on the file of the II Additional District and Sessions Court, Tiruchirappalli seeking restitution of conjugal rights.

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.



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6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her children at Dindigul District and is working as a Teacher in a school, namely St. Antony Convent School (CBSE), at Thoottanur Village in Dindigul, and her children are also studying at Dindigul District. The distance between Dindigul and Tiruchirappalli is around 200 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 children. Hence, she seeks transfer of proceeding in D.O.P.No.296 of 2024 from the file of the II Additional District and Sessions Court, Tiruchirappalli to the file of the Principal District Court, Dindigul.

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.



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WEB COPY 9. The learned Judge, II Additional District and Sessions Court, Tiruchirappalli is directed to transmit the entire records pertaining to the case in D.O.P.No.296 of 2024 to the file of the Principal District and Sessions Court, Dindigul 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 District and Sessions Court, Dindigul 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 Petitions are closed.

24.04.2025

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 II Additional District and Sessions Court,
Tiruchirappalli.
- 2.The Principal District and Sessions Court,
Dindigul.

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