



Tr.CMP.(MD)No.209 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.209 of 2025

and

C.M.P.(MD)No.5264 of 2025

K.Jayanthi

.. Petitioner

Vs.

A.Ganesh Babu

.. 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.719 of 2024 on the file of the Family Court, Trichy and transfer the same to the file of the Sub Court, Vaniyambadi.

For Petitioner : Mr.C.Vakeeswaran

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.719 of 2024 on the file of the Family Court, Trichy and transfer the same to the file of the Sub Court, Vaniyambadi.



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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 21.08.2006 at Sri Barath Mahal, Vaniyambadi, Vellore District as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.719 of 2024 on the file of the Family Court, Trichy seeking divorce.

4. On perusal of the records, it is found that the petitioner/wife has initiated a proceeding in D.V.C.No.30 of 2017 on the file of the Additional Mahila Court, Trichy. Later, due to her financial constraint and her difficulty in travelling, she filed a petition in Crl.O.P.(MD)No.16024 of 2019 before this Court seeking transfer of proceeding and the same was allowed on 03.02.2022. Hence, the proceeding in D.V.C.No.30 of 2017 was transferred to the file of the Judicial Magistrate, Additional Mahila Court, Vellore and got re-numbered as D.V.C.No.10 of 2022 and is now pending on the file of the Judicial Magistrate, Additional Mahila Court, Vellore.



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WEB COPY 5. The petitioner/wife has also initiated a proceeding in M.C.No.24 of 2017 on the file of the Family Court, Trichy seeking maintenance. Later, a petition was filed in CrI.O.P.(MD)No.21558 of 2022 before this Court seeking transfer of proceeding and the same was allowed on 20.02.2024. Hence, the proceeding in M.C.No.24 of 2017 was transferred to the file of the Judicial Magistrate, Vaniyambadi and got re-numbered as M.C.No.8 of 2024 and is now pending on the file of the Judicial Magistrate, Vaniyambadi.

6. 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.

7. Heard the learned counsel appearing for the petitioner.

8. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Vaniyambadi, Tirupathur District, then Vellore District, under the care of her parents. The distance between



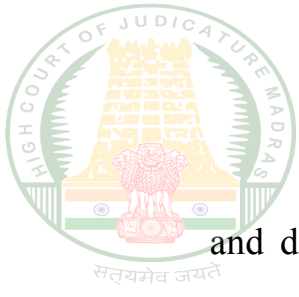
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Vaniyambadi and Trichy is around 600 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.719 of 2024 from the file of the Family Court, Trichy to the file of the Sub Court, Vaniyambadi.

9. 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.

10. 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.

11. The learned Judge, Family Court, Trichy is directed to transmit the entire records pertaining to the case in H.M.O.P.No.719 of 2024 to the file of the Sub Court, Vaniyambadi 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, Sub Court, Vaniyambadi is directed to take the case on file



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and dispose of the same as expeditiously as possible in accordance with

WEB COPY law.

12. 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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P. VADAMALAI, J.

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To

1.The Family Court,
Trichy.

2.The Sub Court,
Vaniyambadi.

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and
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