



Tr.CMP.(MD)No.229 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.229 of 2025

and

C.M.P.(MD)No.5794 of 2025

Sumathi

.. Petitioner

Vs.

Muthukumar

.. 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.32 of 2025 on the file of the Family Court, Srivilliputhur and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.P.Aju Tagore

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.32 of 2025 on the file of the Family Court, Srivilliputhur and transfer the same to the file of the Family Court, Madurai.



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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 26.02.2012 at Sri Gokula Krishna Marriage Hall, Idayapottal Street, Srivilliputhur as per the Hindu Rites and Customs. Out of wedlock, a male child, named Jana Nithish, was born on 22.07.2013.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.32 of 2025 on the file of the Family Court, Srivilliputhur 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 child at Madurai District under the care of her parents, and her child is studying 6th standard in a school, namely R.C. High School, at Palanganatham, Madurai. The distance between Madurai and Srivilliputhur is around 160 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 eleven and a half year old child. Further, the petitioner/wife is suffering from *bronchitis/chronic pulmonary thromboembolism/severe pulmonary artery hypertension*. To substantiate the same, an additional typed set of papers have been filed showing discharge summary and scan report of the petitioner/wife. Hence, she seeks transfer of proceeding in H.M.O.P.No.32 of 2025 from the file of the Family Court, Srivilliputhur 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.



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8. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the medical condition of the petitioner/wife, this Court is inclined to allow this petition.

9. The learned Judge, Family Court, Srivilliputhur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.32 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 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.

25.04.2025

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,
Srivilliputhur.

2.The Family Court,
Madurai.

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and
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