



Tr.CMP.(MD)No.464 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.464 of 2024

and

C.M.P.(MD)No.10693 of 2024

Shimron La Geo

.. Petitioner

Vs.

J.Paulraj
through his Power Agent
Mr.Packiyaraj

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.56 of 2023 on the file of the Principal District Court, Sivagangai and transfer the same to the file of the Principal District Court, Thanjavur.

For Petitioner : Mr.G.Gomathisankar

For Respondent : Mr.J.Anandkumar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.56 of 2023 on the file of the Principal District Court, Sivagangai and transfer the same to the file of the Principal District Court, Thanjavur.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.05.2022 at Ulaga Meetpar Church, Ramnagar, Devakottai as per the Christian 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 I.D.O.P.No.56 of 2023 on the file of the Principal District Court, Sivagangai 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 now residing at Kumbakonam, Thanjavur District under the care of her parents. The distance between Kumbakonam and Sivagangai is around 360 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 I.D.O.P.No.56 of 2023 from the file of the Principal District Court, Sivagangai to the file of the Principal District Court, Thanjavur.



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6. The learned counsel for the respondent submits that the respondent/husband is presently working at Canada and therefore, he appointed his father as his Power Agent. Since his father is a senior citizen, he is not in a position to travel from Sivagangai to Thanjavur for all the Court hearings. Hence, he requests this Court that by considering the convenience of his father, who is a senior citizen, the proceeding in I.D.O.P.No.56 of 2023 may be transferred from the file of the Principal District Court, Sivagangai to the file of any Court at Pudukkottai, which would also be a common place for both the parties. He further submits that the respondent/husband is ready to bear the travel expenses incurred to the petitioner/wife while she is travelling for the Court hearings.

7. Upon hearing the contention made by the learned counsel for the respondent, the learned counsel for the petitioner submits that instead of Pudukkottai, the proceeding in I.D.O.P.No.56 of 2023 may be transferred from the file of the Principal District Court at Sivagangai to the file of the Principal District Court at Trichy, which would also be an equidistant for her to travel when compared to the distance from Kumbakonam to Pudukkottai, for which the learned counsel for the respondent has not raised any objection.



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WEB COPY 8. 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.

9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the fact that both the parties have consented for the transfer of proceeding in I.D.O.P.No.56 of 2023 from the file of the Principal District Court at Sivagangai to the file of Principal District Court at Trichy, this Court is inclined to allow this petition.

10. The learned Judge, Principal District Court, Sivagangai is directed to transmit the entire records pertaining to the case, in I.D.O.P. No.56 of 2023, to the file of the Principal District Court, Trichy 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 Court, Trichy is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 11. Since the respondent/husband submitted that he is ready to bear the travel expenses incurred to the petitioner/wife, the respondent/husband is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the petitioner/wife on her physical appearance on every hearing before the Principal District Court at Trichy.

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

21.04.2025

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 Principal District Court,
Sivagangai.
- 2.The Principal District Court,
Trichy.

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