

Tr.C.M.P(MD)No.489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.489 of 2024

and

C.M.P(MD)Nos.11562 and 11563 of 2024

Nikhitha

... Petitioner

Vs.

Monik Surana

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer O.P.No.932 of 2024 on the file of the IV Additional Family Court, Chennai to the Family Court, Tiruchirappalli.

For Petitioner : Ms.T.Banumathy
For Respondent : Mr.T.Vardhaman Jain

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer O.P.No.932 of 2024 on the file of the IV Additional Family Court, Chennai to the file of the Family Court, Tiruchirappalli.



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2. The learned counsel for the petitioner submitted that the marriage between the petitioner and respondent was solemnized on 06.02.2023 at Seth Kaluram Ratanlal Malu Jain Bhavan, No.30, Venkatachalam Street, Choolai – 600 112 as per Hindu rites and customs. Due to misunderstanding between the parties, they are residing separately. The respondent/husband filed a petition in O.P.No.932 of 2024 before the IV Additional Family Court, Chennai seeking divorce. He would further submit that the distance between Trichy and Chennai is about 400 km and the petitioner being a lady finds it difficult to travel such a long distance to attend the Court hearing. Hence, she seeks to transfer the case as prayed for.

3. The learned counsel for the respondent submitted that though the petitioner's address has been stated as Trichy, she is residing at Hyderabad and if the petition is allowed, it is difficult for both parties to attend the Court at Trichy. However, he has not produced any documents to prove, the petitioner's address at Hyderabad.

4. In reply, the learned counsel for the petitioner would submit that the petitioner is residing only at Trichy.



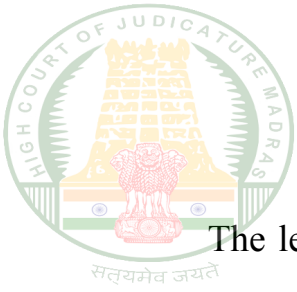
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5. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the petition before the IV Additional Family Court, Chennai, seeking divorce. It is well settled proposition of law, 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. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.P.No.932 of 2024 pending on the file of the IV Additional Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Tiruchirappalli.

7. The learned Judge, IV Additional Family Court, Chennai, is directed to transmit the entire records pertaining to the case in O.P.No.932 of 2024 to the Family Court, Tiruchirappalli, within a period of three weeks from the date of receipt of a copy of this order.



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The learned Judge, Family Court, Tiruchirappalli, is directed to take the case on file and dispose of the same within a period of five months from the date of receipt of the records. No costs. Consequently, the connected Miscellaneous Petitions are closed.

12.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The IV Additional Family Court,
Chennai
- 2.The Family Court,
Tiruchirappalli.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.489 of 2024
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