



Tr.CMP.(MD)No.518 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.518 of 2024

and

C.M.P.(MD)No.12273 of 2024

A.Jeyashree

.. Petitioner

Vs.

N.Ashok

.. 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.956 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.T.Sivananthan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.956 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni.



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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 05.09.2022 at Thirupparankundram Murugan Temple, Madurai as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding under Section 10 of Hindu Marriage Act in H.M.O.P.No.956 of 2024 on the file of the Family Court, Madurai seeking judicial separation for a period of one year.

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.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Theni District. The distance between Theni and Madurai is around 90 Kms, and the petitioner/wife, being a



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pregnant 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.956 of 2024 from the file of the Family Court, Madurai to the file of the Family Court, Theni.

7. 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.

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.

9. The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.956 of 2024, to the file of the Family Court, Theni 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, Theni 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 10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

14.03.2025

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,
Madurai.

2.The Family Court,
Theni.

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and
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