



Tr.CMP.(MD)No.564 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.564 of 2023

and

C.M.P.(MD)No.12859 of 2023

Mahalakshmi @ Aandhi

.. Petitioner

Vs.

Kandha Maheswaran

.. 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.541 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.R.Sakthivel

For Respondent : Mr.T.Antony Arul Raj

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.541 of 2023 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Coimbatore.



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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 04.03.2022 at Madurai. 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.541 of 2023 on the file of the Family Court, Madurai seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Somanur, Coimbatore under the care of her parents. The distance between the Coimbatore and Madurai is around 400 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 now seeks transfer of proceeding in H.M.O.P.No.541 of 2023 from the file of the Family Court, Madurai to the file of the Family Court, Coimbatore.



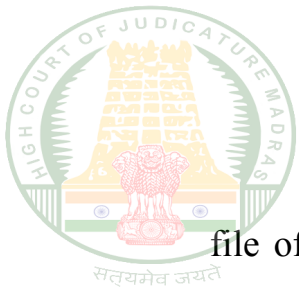
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WEB COPY 6. The learned counsel for the respondent would submit that though the marriage between both the parties was solemnized in the year 2022, the marriage has not yet been consummated. Further, he would submit that the petitioner/wife has also initiated a Domestic Violence Case in D.V.C. No.126 of 2023 at Coimbatore, and her only intention is to harass the respondent/husband. Hence, he would raise strong objection to allow this petition.

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.541 of 2023, to the



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file of the Family Court, Coimbatore 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, Coimbatore is directed to take the case on file and dispose of the case 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.

11.03.2025

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,
Coimbatore.

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and
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