



Tr.CMP.(MD)No.569 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.569 of 2024

and

C.M.P.(MD)No.13467 of 2024

M.Gurukarthika

.. Petitioner

Vs.

R.Prabhu

.. 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.1670 of 2024 on the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.S.Jaya Vasanthan

For Respondent : Ms.L.Leela Raman

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1670 of 2024 on the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Family Court, Madurai.



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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 15.11.2021 at D.V.K.Mahal, Perambur, Chennai as per the Hindu Rites and Customs. Out of the wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in M.C.SR No.499 of 2024 on the file of the Family Court, Madurai seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.1670 of 2024 on the file of the IV Additional Family Court, Chennai seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner appeared before this Court and the learned counsel for the respondent appeared through Video Conference.

5. The learned counsel for the petitioner would submit that the petitioner is now residing at Madurai under the care of her mother. The distance between Madurai and Chennai is around 914 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long



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distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.1670 of 2024 from the file of the IV Additional Family Court, Chennai to the file of the Family Court, Madurai.

6. The learned counsel for the respondent has raised only formal objection to 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, IV Additional Family Court, Chennai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.1670 of 2024, 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



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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.

05.02.2025

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 IV Additional Family Court,
Chennai.
- 2.The Family Court,
Madurai.

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