



Tr.CMP.(MD)No.634 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.634 of 2024

and

C.M.P.(MD)No.15205 of 2024

J.Yuvana Josphin @ J.Yuvana Josephin

.. Petitioner

Vs.

M.Suresh Kumar

.. 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.262 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur and transfer the same to the file of the Principal District Court, Tirunelveli.

For Petitioner : Mr.S.Vanchinathan

For Respondent : Mr.C.Kalaiarasan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.262 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur and transfer the same to the file of the Principal District Court, Tirunelveli.



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WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.12.2020 at Sri Laxmi Narayana Mahal, Sevvapet, Tiruvallur 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.262 of 2024 on the file of the Principal District and Sessions Court, Tiruvallur seeking divorce.

4. On 30.01.2025, this Court referred this case to the Mediation and Conciliation Centre attached to this Bench, and a report, dated 06.03.2025, has also been received by this Court stating that no agreement was reached. Despite referring the case to the Mediation on the request made by both the parties, there is no amicable settlement arrived between them.

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



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6. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Vikramasingapuram, Tirunelveli District under the care of her parents. The distance between Vikramasingapuram and Tiruvallur is around 1300 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.262 of 2024 from the file of the Principal District and Sessions Court, Tiruvallur to the file of the Principal District Court, Tirunelveli.

7. The learned counsel for the respondent submits that the respondent is currently residing at United States of America, and the proceeding in I.D.O.P.No.262 of 2024 may be transferred from the file of the Principal District and Sessions Court, Tiruvallur to the file of any of the Court between Tiruvallur and Tirunelveli District.

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.



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9. 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.

10. The learned Judge, Principal District and Sessions Court, Tiruvallur is directed to transmit the entire records pertaining to the case, in I.D.O.P.No.262 of 2024, to the file of the Principal District Court, Tirunelveli 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, Tirunelveli is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

08.04.2025

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 and Sessions Court,
Tiruvallur.
- 2.The Principal District Court,
Tirunelveli.

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