



Tr.CMP.(MD)No.647 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.647 of 2024

and

C.M.P.(MD)No.15516 of 2024

Kanmani Nivetha

.. Petitioner

Vs.

Pradeep

.. 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.176 of 2024 on the file of the Sub Court, Thirumangalam and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.M.Vasimalai

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.176 of 2024 on the file of the Sub Court, Thirumangalam 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 27.01.2021 at Sri Abinaya Marriage Hall, Kappalur, Madurai as per the Hindu Rites and Customs. Out of wedlock, a female child, named Monudheekshitha, was born on 31.10.2021.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.176 of 2024 on the file of the Sub Court, Thirumangalam seeking divorce.

4. On the earlier occasion i.e. on 20.12.2024, this Court referred this case to the Mediation and Conciliation Centre attached to this Bench, and a report, dated 21.02.2025, 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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WEB COPY 6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Pykara, Madurai District under the care of her parents. The distance between the petitioner's place of residence and Thirumangalam is around 40 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 along with the three year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.176 of 2024 from the file of the Sub Court, Thirumangalam to the file of the Family Court, Madurai.

7. The learned counsel for the respondent has raised only formal objection to this petition.

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, Sub Court, Thirumangalam is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.176 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 receipt of such records, the learned Judge, Family Court, Madurai is directed to take the case on file and dispose of the case in accordance with law within a period of nine months from the date of receipt of records.

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

04.03.2025

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 Sub Court,
Thirumangalam.

2.The Family Court,
Madurai.

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