



Tr.CMP.(MD)No.685 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.685 of 2024

and

C.M.P.(MD)No.16383 of 2024

B.R.Benasir

.. Petitioner

Vs.

T.M.Mohammed Harsh Ali

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in O.S.No.29 of 2024 on the file of the Family Court, Karur and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Ms.R.Affrin Fathima
for M/s.Ajmal Associates

For Respondent : Mr.M.Suresh

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in O.S.No.29 of 2024 on the file of the Family Court, Karur and transfer the same to the file of the Family Court, Dindigul.



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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 14.02.2022 at Dindigul District as per the Mohammedan Law. Out of wedlock, a male child, named T.M.Thaha Zayyan, was born on 27.07.2023. It is submitted that this is the second marriage for both the parties, and each has child through their first marriage.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in O.S.No.29 of 2024 on the file of the Family Court, Karur 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 submitted that the petitioner/wife is now residing with her children at Dindigul District under the care of her father. The distance between Dindigul and Karur is around 160 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



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along with two children. Hence, she seeks transfer of proceeding in O.S.

WEB COPY No.29 of 2024 from the file of the Family Court, Karur to the file of the Family Court, Dindigul.

6. The learned counsel for the respondent submitted that the respondent/husband has not raised any objection for the transfer of proceeding, in O.S.No.29 of 2024, from the file of the Family Court at Karur to the file of the Family Court at Dindigul, but he requests this Court that a direction may be given to the learned Family Judge, Dindigul to dispose of the case as early as possible.

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.



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WEB COPY 9. The learned Judge, Family Court, Karur is directed to transmit the entire records pertaining to the case, in O.S.No.29 of 2024, to the file of the Family Court, Dindigul 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, Dindigul is directed to take the case on file and dispose of the same in accordance with law within a period of five months from the date of receipt of records.

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

20.03.2025

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,
Karur.

2.The Family Court,
Dindigul.

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