



Tr.CMP.(MD)No.694 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.694 of 2024

and

C.M.P.(MD)No.16503 of 2024

Kathereen

.. Petitioner

Vs.

Manikandan Antony

.. Respondent

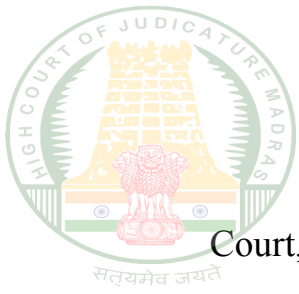
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P. No.98 of 2024 on the file of the Family Court, Ariyalur and transfer the same to the file of the Family Court, Madurai to be tried along with I.D.O.P.No.1068 of 2024.

For Petitioner : M/s.APN Law Associates
for Ms.K.P.Ilakkiya

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.98 of 2024 on the file of the Family



Tr.CMP.(MD)No.694 of 2024

Court, Ariyalur and transfer the same to the file of the Family Court, Madurai to be tried along with I.D.O.P.No.1068 of 2024.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.05.2009 at Church of Saint Sebastian, Ellis Nagar, Madurai 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.98 of 2024 on the file of the Family Court, Ariyalur seeking divorce. The petitioner/wife has initiated the proceeding in I.D.O.P.No.1068 of 2024 on the file of the Family Court, Madurai seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



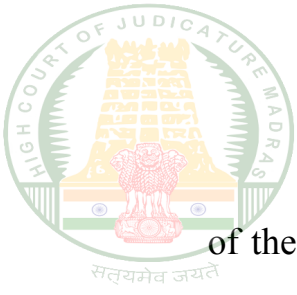
Tr.CMP.(MD)No.694 of 2024

6. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Madurai District under the care of her mother. The distance between Madurai and Ariyalur 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 seeks transfer of proceeding in I.D.O.P.No.98 of 2024 from the file of the Family Court, Ariyalur to the file of the Family Court, Madurai to be tried along with I.D.O.P.No.1068 of 2024.

7. It is well settled proposition of law that whenever 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, Ariyalur is directed to transmit the entire records pertaining to the case in I.D.O.P.No.98 of 2024 to the file



Tr.CMP.(MD)No.694 of 2024

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 try the case along with I.D.O.P.No.1068 of 2024 and dispose of both the cases 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.

30.04.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.694 of 2024

P. VADAMALAI, J.

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To

1.The Family Court,
Ariyalur.

2.The Family Court,
Madurai.

Tr.CMP.(MD)No.694 of 2024
and
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