



Tr.CMP.(MD)No.676 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.676 of 2024

and

C.M.P.(MD)No.16248 of 2024

Mega

.. Petitioner

Vs.

Sakthivel

.. 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.81 of 2024 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Sivagangai to be tried along with M.C.No.84 of 2024.

For Petitioner : Mr.G.Sivakumar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.81 of 2024 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Sivagangai to be tried along with M.C.No.84 of 2024.

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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 07.02.2022 at Siva Temple, Sivagangai District as per the Hindu Rites and Customs. Out of wedlock, a female child, named Varnika, was born on 10.11.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.81 of 2024 on the file of the Sub Court, Melur seeking divorce. The petitioner/wife has initiated the proceeding in M.C.No.84 of 2024 on the file of the Family Court, Sivagangai seeking maintenance.

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.



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WEB COPY 6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Samiyarpatti Village, Sivagangai District under the care of her mother. The distance between Sivagangai and Melur is around 70 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 two year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.81 of 2024 from the file of the Sub Court, Melur to the file of the Family Court, Sivagangai to be tried along with M.C.No.84 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.



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WEB COPY 9. The learned Judge, Sub Court, Melur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.81 of 2024 to the file of the Family Court, Sivagangai 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, Sivagangai is directed to take the case on file, and try the case along with M.C.No.84 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.

24.04.2025

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 Sub Court,
Melur.

2.The Family Court,
Sivagangai.

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