



Tr.CMP.(MD)No.702 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.702 of 2024

and

C.M.P.(MD)No.16901 of 2024

P.Abinaya

.. Petitioner

Vs.

P.Karthikeyan

.. 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.93 of 2024 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Family Court, Tiruchirappalli.

For Petitioner : Ms.A.Zubaitabanu

For Respondent : Mr.A.John Xavier

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.93 of 2024 on the file of the III



Tr.CMP.(MD)No.702 of 2024

Additional Sub Court, Madurai and transfer the same to the file of the
Family Court, Tiruchirappalli.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.05.2017 at Trichy as per the Hindu Rites and Customs. Out of wedlock, a girl child, named K.Varna Vedha, was born on 07.08.2018.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.93 of 2024 on the file of the III Additional Sub Court, Madurai seeking divorce.

4. Heard the learned counsel for the petitioner appeared through Video Conference and the learned counsel for the respondent appeared before this Court.

5. The learned counsel for the petitioner would submit that the petitioner is now residing with her child at Trichy under the care of her parents, and her child is currently studying 1st standard at Orchard School, Trichy. The distance between Trichy and Madurai is around 130 Kms, and



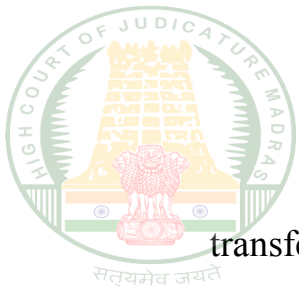
Tr.CMP.(MD)No.702 of 2024

the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the six and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.93 of 2024 from the file of the III Additional Sub Court, Madurai to the file of the Family Court, Tiruchirappalli.

6. The learned counsel for the respondent has filed a counter and would submit that instead of Family Court, Tiruchirappalli, if the proceeding, in H.M.O.P.No.93 of 2024, is transferred to the file of the Principal Sub Court, Trichy, the respondent has no objection, for which the learned counsel for the petitioner has also acceded to.

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 considering the convenience of the wife, and also considering the fact that the learned counsel for the petitioner has not raised any objection for the



Tr.CMP.(MD)No.702 of 2024

WEB COPY

transfer of proceeding in H.M.O.P.No.93 of 2024 from the file of the III Additional Sub Court, Madurai to the file of the Principal Sub Court, Tiruchirappalli, this Court is inclined to allow this petition.

9. The learned Judge, III Additional Sub Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.93 of 2024, to the file of the Principal Sub Court, Tiruchirappalli 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 Sub Court, Tiruchirappalli is directed to take the case on file and dispose of the same 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.

17.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
mkn



WEB COPY



Tr.CMP.(MD)No.702 of 2024

P. VADAMALAI, J.

mkn

To

- 1.The III Additional Sub Court,
Madurai.
- 2.The Principal Sub Court,
Tiruchirappalli.

Tr.CMP.(MD)No.702 of 2024
and
C.M.P.(MD)No.16901 of 2024

17.02.2025