



Tr.CMP.(MD)No.696 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.696 of 2024

and

C.M.P.(MD)No.16517 of 2024

S.Hemalatha

.. Petitioner

Vs.

N.Saravanakumar

.. 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.4445 of 2024 on the file of the Family Court No.V, Chennai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.A.Balaji

For Respondent : M/s.S.Ilamuhil

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.4445 of 2024 on the file of the Family Court No.V, Chennai and transfer the same to the file of the Family Court, Madurai.



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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 27.08.2017 at CMS Kalyana Mandabam, Silaiman as per the Hindu Rites and Customs. Out of wedlock, a male child, named S.Vaishanth, was born on 06.08.2018.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.4445 of 2024 on the file of the Family Court No.V, Chennai seeking dissolution of marriage.

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

5. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Manalur Village, Thiruppuvanam Taluk, Sivagangai District under the care of her father, and is working as a Lab Assistant at Meenakshi Mission Hospital in Madurai,



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and her child is studying in a school at Ladanendal Village, Sivagangai District. The distance between the petitioner's place of residence and Chennai is around 980 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 six and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.4445 of 2024 from the file of the Family Court No.V, Chennai to the file of the Family Court, Madurai.

6. The learned counsel for the respondent submits that since the respondent/husband, who is a Grade II Police Constable, is working as a Personal Security Officer for a constitutional authority at Chennai, he would not be in a position to travel from Chennai to Madurai for all the Court hearings at Madurai, but he is ready to bear the travel expenses incurred to the petitioner/wife while she is travelling from Madurai to Chennai for the Court hearings at Family Court No.V, Chennai.

7. Upon hearing the contention made by the learned counsel for the respondent, the learned counsel for the petitioner submits that instead of Family Court at Madurai, the proceeding in H.M.O.P.No.4445 of 2024 may be transferred from the file of the Family Court No.V at Chennai to the file



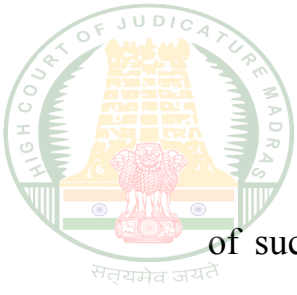
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of any of the Sub Court at Madurai, where the presence of either party is necessary only for indispensable hearings, for which the learned counsel for the respondent has not raised any objection.

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.

9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the fact that both the parties have consented for the transfer of proceeding in H.M.O.P.No.4445 of 2024 from the file of the Family Court No.V at Chennai to the file of any of the Sub Court at Madurai, this Court is inclined to allow this petition.

10. The learned Judge, Family Court No.V, Chennai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.4445 of 2024, to the file of the III Additional Sub Court, Madurai within a period of three weeks from the date of receipt of a copy of this order, and on receipt



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of such records, the learned Judge, III Additional Sub Court, Madurai is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

21.03.2025

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 No.V,
Chennai.
- 2.The III Additional Sub Court,
Madurai.

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