



Tr.CMP.(MD)No.707 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.707 of 2024

and

C.M.P.(MD)No.16966 of 2024

Pushpa Lingam @ Kushboo

.. Petitioner

Vs.

Ramachandra Prabhu

.. 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.110 of 2024 on the file of the Family Court, Srivilliputhur and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.B.Arun

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.110 of 2024 on the file of the Family Court, Srivilliputhur and transfer the same to the file of the Family Court, Theni.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.09.2015 at Theni District as per the Hindu Rites and Customs. Out of wedlock, two children, namely R.Hadssah and R.Daksha, were born on 25.06.2016 and 19.04.2021 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.110 of 2024 on the file of the Family Court, Srivilliputhur 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.

6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her children at Gandamanayakanur,



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Theni District under the care of her parents, and both the children are studying in a school, namely Dhakhshashela Nursery and Primary School, at Gandamanur, Theni District. To substantiate her place of residence and place of her children's school, she has enclosed a copy of her Aadhaar Card and a copy of bonafide certificate issued by the aforesaid school. The distance between Gandamanayakanur and Srivilliputhur is around 240 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 two children. Hence, she seeks transfer of proceeding in H.M.O.P.No.110 of 2024 from the file of the Family Court, Srivilliputhur to the file of the Family Court, Theni.

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 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, Srivilliputhur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.110 of 2024 to the file of the Family Court, Theni 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, Theni 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.

09.04.2025

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 Family Court,
Srivilliputhur.

2.The Family Court,
Theni.

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