



Tr.C.M.P(MD)No.741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.741 of 2024

and

C.M.P(MD)No.17748 of 2024

Angalaeswari

... Petitioner

Vs.

Bakkiyaraj

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.100 of 2024 on the file of the Sub Court, Paramakudi and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.S.Pandiyaraj

For Respondent : No Appearance



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ORDER

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The Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.100 of 2024 from the file of the Sub Court, Paramakudi and transfer the same to the file of the Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.05.2013 at Sri Perumal Temple, Senjai, Karaikudi as per Hindu rites and customs. Out of wedlock, they have a female child in the year 2014 named Divya Dharshini. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed a petition in H.M.O.P.No.100 of 2024 on the file of the Sub Court, Paramakudi, seeking divorce.

3. Heard the learned counsel for the petitioner. Eventhough the respondent's name was printed in the cause list, none appeared for the respondent.

4. The learned counsel for the petitioner submitted that the petitioner is now residing at Madurai. The distance between the petitioner's place of residence and Paramakudi is more than 80 kms and the petitioner/wife, being a lady finds it



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very difficult to travel such a long distance to attend every Court hearing at Paramakudi. Hence, she seeks to transfer the case as prayed for.

5. Submissions of the petitioner's side considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent/husband filed the petition before the Sub Court, Paramakudi, seeking divorce. 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. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

6. The learned Judge, Sub Court, Paramakudi, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.100 of 2024 to the file 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 dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

07.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Family Court,
Madurai.
- 2.The Sub Court,
Paramakudi.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
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