



Tr.CMP.(MD)No.721 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.721 of 2024

and

C.M.P.(MD)No.17391 of 2024

Afiya Shabana

.. Petitioner

Vs.

Abdul Rahman

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in G.W.O.P.No.99 of 2022 on the file of the Principal District Court, Pudukkottai and transfer the same to the file of the Family Court, Trichy.

For Petitioner : Ms.A.Banumathy

For Respondent : Mr.P.M.Vishnuvardhanan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in G.W.O.P.No.99 of 2022 on the file of the Principal District Court, Pudukkottai and transfer the same to the file of the Family Court, Trichy.



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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 08.10.2017 at Pudukkottai as per the Muslim Rites and Customs. Out of the wedlock, a male child, named A.Adnan Ahamed, and a female child, named A.Alina Fathima, were born on 23.07.2018 and 17.05.2021 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in G.W.O.P.No.99 of 2022 on the file of the Principal District Court, Pudukkottai seeking order to appoint him as a guardian to his children.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner is now residing with her children at Trichy District under the care of her parents. The distance between Trichy and Pudukkottai is around 56 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel



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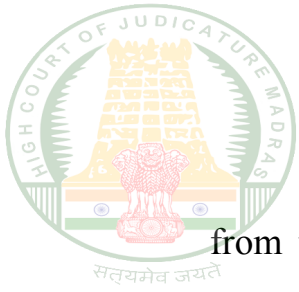
such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding in G.W.O.P.No.99 of 2022 from the file of the Principal District Court, Pudukkottai to the file of the Family Court, Trichy.

6. The learned counsel for the respondent has raised only formal objection to this petition.

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 also considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Principal District Court, Pudukkottai is directed to transmit the entire records pertaining to the case, in G.W.O.P.No.99 of 2022, to the file of the Family Court, Trichy within a period of three weeks



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from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Trichy 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.

21.02.2025

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 Principal District Court,
Pudukkottai.

2.The Family Court,
Trichy.

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