



Tr.CMP.(MD)No.719 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.719 of 2024

and

C.M.P.(MD)No.17344 of 2024

C.Abinayashri

.. Petitioner

Vs.

R.Chinnasamy

.. 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.48 of 2023 on the file of the Sub Court, Ottanchathiram and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.R.Gokul

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.48 of 2023 on the file of the Sub Court, Ottanchathiram and transfer the same to the file of the Family Court, Madurai.



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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 17.09.2015 at Thiruaavinankudi Temple, Palani Taluk, Dindigul District as per the Hindu Rites and Customs. Out of wedlock, a male child, named Dheepasudhan and a female child, named Thiyashini, were born on 19.06.2016 and 09.04.2018 respectively.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.48 of 2023 on the file of the Sub Court, Ottanchathiram seeking divorce. She has also initiated a proceeding, in M.C.No.216 of 2024, which is now pending on the file of the Family Court, Madurai seeking maintenance. The respondent/husband has initiated a proceeding in H.M.O.P.No.69 of 2023 on the file of the Sub Court, Ottanchathiram 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.



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WEB COPY 5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that since the petitioner/wife was unable to bear the torture made by the respondent/husband, she has shifted her residence from Dindigul to Madurai, and is now residing with her children at Thathaneri, Madurai District under the care of her parents. The distance between the petitioner's place of residence and Ottanchathiram is around 220 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.48 of 2023 from the file of the Sub Court, Ottanchathiram to the file of the Family Court, Madurai.

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.



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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.

9. The learned Judge, Sub Court, Ottanchathiram is directed to transmit the entire records pertaining to the case in H.M.O.P.No.48 of 2023 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.

10. 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 Sub Court,
Ottanchathiram, Dindigul District.

2.The Family Court,
Madurai.

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