

Tr.C.M.P(MD)No.746 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.746 of 2024

and

C.M.P(MD)No.17865 of 2024

S.Rijvana Parveen

... Petitioner

Vs.

M.Shahul Hameed

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in O.S.No.89 of 2024 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni for disposal of the same on merits in accordance with law.

For Petitioner : Mr.K.Althaf Sheriff
for M/s. Ajmal Associates

For Respondent : Mr.M.E.Ilango



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ORDER

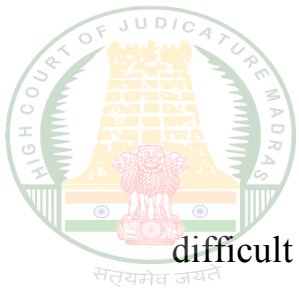
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This Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.S.No.89 of 2024 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Theni.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.08.2019 at V.L.Krishnaswamy – Rukmaniammal Marriage Hall, Lakshmipuram, Periyakulam – Theni Road, Theni District as per Islamic customs and rites. Out of wedlock, they were blessed with a female child, who was born on 15.06.2020. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed a original suit in O.S.No. 89 of 2024 before the Family Court, Madurai, seeking divorce.

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

4. The learned counsel for the petitioner submitted that the petitioner is residing at Thenkarai, Periyakulam Post, Theni District. She finds it very



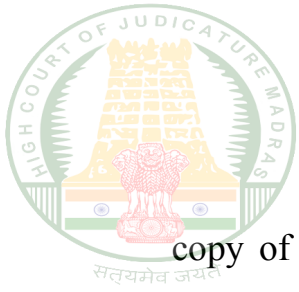
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difficult to travel such a long distance to attend every Court hearing at Madurai along with her female child. Hence, she seeks to transfer the case as prayed for.

5. The learned counsel for the respondent would submit that the respondent is working as a doctor and he finds it very difficult to travel from Madurai to Theni and hence this petition may be dismissed.

6. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the petition before the Family Court, Madurai, 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.

7. The learned Judge, Family Court, Madurai, is directed to transmit the entire records pertaining to the case in O.S.No.89 of 2024 to the file of the Family Court, Theni, within a period of three weeks from the date of receipt of a



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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.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

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

20.03.2025

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

To

- 1.The Family Court,
Madurai.
- 2.The Family Court,
Theni.
- 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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