



Tr.CMP.(MD)No.752 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.752 of 2024

and

C.M.P.(MD)No.18005 of 2024

Vijaya Shalini

.. Petitioner

Vs.

Manikandan

.. 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.1766 of 2024 on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.K.R.Manimaran

For Respondent : Mr.T.Eashwar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1766 of 2024 on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Theni.



Tr.CMP.(MD)No.752 of 2024

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.09.2021 at Sri Ambi Venkadasamy Marriage Hall, Theni District as per the Hindu Rites and Customs. Out of wedlock, a male child, named Karcky Mithran, was born on 28.06.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.1766 of 2024 on the file of the Family Court, Coimbatore seeking dissolution of marriage.

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 child at Theni under the care of her parents. The distance between Theni and Coimbatore is around 215 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the two and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.



Tr.CMP.(MD)No.752 of 2024

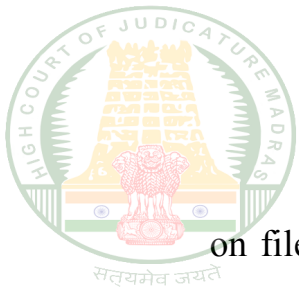
No.1766 of 2024 from the file of the Family Court, Coimbatore to the file of the Family Court, Theni.

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, Family Court, Coimbatore is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.1766 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



Tr.CMP.(MD)No.752 of 2024

on file and dispose of the same as expeditiously as possible in accordance

WEB.COM with law.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

13.02.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No
mkn



WEB COPY



Tr.CMP.(MD)No.752 of 2024

P. VADAMALAI, J.

mkn

To

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

Tr.CMP.(MD)No.752 of 2024
and
C.M.P.(MD)No.18005 of 2024

13.02.2025