

Tr.C.M.P(MD)No.2 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.2 of 2025

and

C.M.P(MD)No.15 of 2025

M.Rajalakshmi

... Petitioner

Vs.

S.Guruprakash

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the divorce petition in H.M.O.P.No.77 of 2025 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Trichy

(Prayer amended vide Court order, dated 13.02.2025 made in CMP(MD)No.2165 of 2025 in Tr.CMP(MD)No.2 of 2025)

For Petitioner : Mr.H.Jahir Hussain

For Respondent : Mr.K.Pandiarajan



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ORDER

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The Transfer Civil Miscellaneous Petition is filed to withdraw the divorce petition in H.M.O.P.No.77 of 2025 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Trichy.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.11.2023 at DJ Mahal, Thiruvalluvar Street, Madurai District as per Hindu Rites and Customs. Out of wedlock, they have no child. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed the petition in H.M.O.P.No.77 of 2025 on the file of 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 now residing at Trichy. The distance between the petitioner's place of residence and Madurai is 260 kms up and down and the petitioner/wife, being a lady finds it



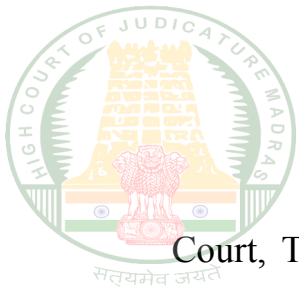
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very difficult to travel such a long distance to attend every Court hearing at Madurai. Hence, she seeks to transfer the case as prayed for.

5. The learned counsel for the respondent would submit that there is a possibility of settlement between the parties and raised a formal objection.

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 H.M.O.P.No.77 of 2025 to the file of the Family Court, Trichy, 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



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Court, Trichy, 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.

12.03.2025

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

To

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



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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.2 of 2025
and
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12.03.2025