



Tr.CMP.(MD)No.784 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.784 of 2024

and

C.M.P.(MD)No.18885 of 2024

Annalakshmi

.. Petitioner

Vs.

Baskaran

.. 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.304 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Sub Court, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.A.Arputharaj

For Respondent : Mr.K.C.Ramalingam

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.304 of 2024 on the file of the Family Court, Sivagangai and transfer the same to the file of the Sub Court, Paramakudi.



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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 02.07.2020 at Kalliyandhan Singaramudiya Ayyanar Temple, Paramakudi, Ramanathapuram District as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Thasthavin Prabhu, was born on 04.04.2021.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.304 of 2024 on the file of the Family Court, Sivagangai seeking divorce. Thereafter, the petitioner/wife has initiated the proceeding seeking maintenance in M.C.No.30 of 2024 pending on the file of the learned Judicial Magistrate, Paramakudi.

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/wife is affected with Human immunodeficiency virus (HIV) and therefore, the respondent has refused to live with her and has initiated the



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aforsaid divorce petition. Further, he would submit that the petitioner is now residing at Paramakudi Town in Ramanathapuram District. The distance between Paramakudi and Sivagangai is around 100 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 the three year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.304 of 2024 from the file of the Family Court, Sivagangai to the file of the Sub Court, Paramakudi.

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 considering the convenience of the wife, and also considering the medical condition of the petitioner, this Court is inclined to allow this petition.



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WEB COPY 9. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.304 of 2024, to the file of the Sub Court, Paramakudi 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, Sub Court, Paramakudi 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.

04.02.2025

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 Family Court,
Sivagangai.
- 2.The Sub Court,
Paramakudi, Ramanathapuram District.

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