



Tr.CMP.(MD)No.751 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.751 of 2024

and

C.M.P.(MD)No.17982 of 2024

Jerslin Prisilla

.. Petitioner

Vs.

J.Xavier Deepak

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.D.O.P.No.46 of 2024 on the file of the District Court, Pudukkottai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.C.Godwin

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.D.O.P.No.46 of 2024 on the file of the Principal District Court, Pudukkottai and transfer the same to the file of the Family Court, Madurai.



Tr.CMP.(MD)No.751 of 2024

WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.01.2021 at St.Arockia Annai Church, Keeranur, Pudukkottai. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in D.V.C.No.76 of 2022 on the file of the Additional Mahila Court, Madurai. Thereafter, the respondent/husband has initiated the proceeding in I.D.O.P.No.46 of 2024 on the file of the Principal District Court, Pudukkottai 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.

5. Heard the learned counsel appearing for the petitioner.



Tr.CMP.(MD)No.751 of 2024

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Kochadai, Madurai under the care of her parents and is currently working as a teacher in Delhi World Public School, Paravai, Madurai. The distance between Madurai and Pudukkottai is around 230 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. Hence, she seeks transfer of proceeding in I.D.O.P.No.46 of 2024 from the file of the Principal District Court, Pudukkottai 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.

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.



Tr.CMP.(MD)No.751 of 2024

9. The learned Judge, Principal District Court, Pudukkottai is directed

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to transmit the entire records pertaining to the case in I.D.O.P.No.46 of 2024 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.

12.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.751 of 2024

P. VADAMALAI, J.

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To

1.The Principal District Court,
Pudukkottai.

2.The Family Court,
Madurai.

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