



Tr.CMP.(MD)No.757 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.757 of 2024

and

C.M.P.(MD)No.18164 of 2024

Mohanapriya

.. Petitioner

Vs.

M.Karthick Kumar

.. Respondent

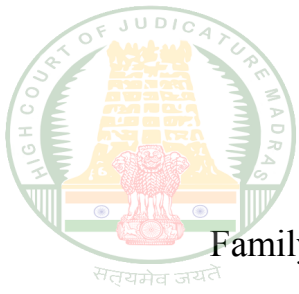
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.390 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Thirumangalam.

For Petitioner : Ms.D.Thilaga Rani

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.390 of 2024 on the file of the



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Family Court, Theni and transfer the same to the file of the Sub Court,
Thirumangalam.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 07.07.2021 at Sri Guruvammal Temple, Kuppinaikenpatti Village, Theni District as per the Hindu Rites and Customs. Out of wedlock, a male child, named K.Kirthivik Sai, was born on 15.07.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.390 of 2024 on the file of the Family Court, Theni seeking divorce. The petitioner/wife has also initiated a proceeding in H.M.O.P.No.268 of 2024 on the file of the Sub Court, Thirumangalam 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.



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WEB COPY 5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Thirumangalam Taluk, Madurai District. The distance between the petitioner's place of residence and Theni is around 150 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 two and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.390 of 2024 from the file of the Family Court, Theni to the file of the Sub Court, Thirumangalam.

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.



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WEB COPY 9. The learned Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case in H.M.O.P.No.390 of 2024 to the file of the Sub Court, Thirumangalam 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, Thirumangalam 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.

21.02.2025

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,
Theni.
- 2.The Sub Court,
Thirumangalam, Madurai District.

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