



Tr.CMP.(MD)No.780 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.780 of 2024

and

C.M.P.(MD)No.18845 of 2024

G.Sridevi

.. Petitioner

Vs.

R.Gopalakrishnan

.. 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.244 of 2024 on the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.B.Sekar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.244 of 2024 on the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai.



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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 10.09.2021 at Vellalar Social Welfare Hall, Kundrakudi as per the Hindu Rites and Customs. Out of wedlock, a male child, named Vikram Kishore, was born on 27.06.2022.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in H.M.O.P.No.1507 of 2024 pending on the file of the Family Court, Madurai seeking restitution of conjugal rights. The respondent/husband has initiated the proceeding in H.M.O.P.No.244 of 2024 on the file of the Sub Court, Devakottai seeking divorce.

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.



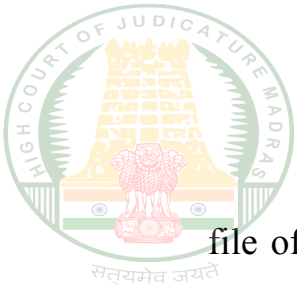
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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Madurai District under the care of her parents. The distance between Madurai and Devakottai is around 250 Kms to and fro, and the petitioner/wife, 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.244 of 2024 from the file of the Sub Court, Devakottai 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.

9. The learned Judge, Sub Court, Devakottai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.244 of 2024 to the



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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.

18.02.2025

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 Sub Court,
Devakottai.

2.The Family Court,
Madurai.

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