



Tr.CMP.(MD)No.777 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.777 of 2024

and

C.M.P.(MD)No.18798 of 2024

Durga M

.. Petitioner

Vs.

R.Sathish

.. 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.4333 of 2024 on the file of the learned V Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Sub Court, Uthamapalayam.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Ms.K.Lakshmi Priya

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.4333 of 2024 on the file of the



Tr.CMP.(MD)No.777 of 2024

learned V Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Sub Court, Uthamapalayam.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.02.2023 at Arulmigu Vadapalani Murugan Temple, Chennai as per the Hindu Rites and Customs. Out of wedlock, a male child was born on 28.05.2024.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.4333 of 2024 on the file of the learned V Additional Principal Judge, Family Court, Chennai seeking dissolution of marriage.

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 is now residing with her child at Chinnamanur, Theni District under the care of her parents. The distance between the petitioner's place of



Tr.CMP.(MD)No.777 of 2024

residence and Chennai is around 600 Kms, 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 eight month old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.4333 of 2024 from the file of the learned V Additional Principal Judge, Family Court, Chennai to the file of the Sub Court, Uthamapalayam.

6. The learned counsel for the respondent has filed a counter and has raised strong 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 also considering the convenience of the wife, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.777 of 2024

9. The learned V Additional Principal Judge, Family Court, Chennai

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is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.4333 of 2024, to the file of the Sub Court, Uthamapalayam 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, Uthamapalayam 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.

17.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.777 of 2024

P. VADAMALAI, J.

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To

- 1.The learned V Additional Principal Judge,
Family Court, Chennai.
- 2.The Sub Court,
Uthamapalayam.

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