



Tr.CMP.(MD)No.776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.776 of 2024

and

C.M.P.(MD)No.18796 of 2024

Haripriya

.. Petitioner

Vs.

Thangadurai

.. Respondent

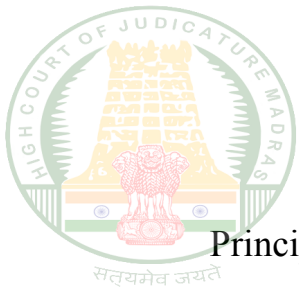
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.143 of 2024 on the file of the Principal Sub Court, Thindivanam and transfer the same to the file of the Family Court, Madurai to try along with M.C.No.265 of 2024.

For Petitioner : Mr.T.Antony Arulraj

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.143 of 2024 on the file of the



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Principal Sub Court, Thindivanam and transfer the same to the file of the
Family Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 17.09.2023 at Vellimedupettai, Thindivanam as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in M.C.No.265 of 2024 on the file of the Family Court, Madurai seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.143 of 2024 on the file of the Principal Sub Court, Thindivanam 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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WEB COPY 6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Madurai District under the care of her parents. The distance between Madurai and Thindivanam is around 320 Kms, 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 H.M.O.P.No.143 of 2024 from the file of the Principal Sub Court, Thindivanam to the file of the Family Court, Madurai to be tried along with the case pending in M.C.No.265 of 2024.

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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9. The learned Judge, Principal Sub Court, Thindivanam is directed

to transmit the entire records pertaining to the case in H.M.O.P.No.143 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.

03.02.2025

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 Principal Sub Court,
Thindivanam, Viluppuram District.
- 2.The Family Court,
Madurai.

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