



Tr.CMP.(MD)No.772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.772 of 2024

and

C.M.P.(MD)No.18705 of 2024

Vairam @ Vaishnavi

.. Petitioner

Vs.

Vigneshmanikandan

.. 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.227 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Thirumangalam.

For Petitioner : Mr.M.Pandian

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.227 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Thirumangalam.



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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 01.06.2023 at Shri M.P.Sivam Mahal, Theni District as per the Hindu Rites and Customs. Out of wedlock, a male child was born on 02.05.2024.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.227 of 2024 on the file of the Family Court, Theni 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.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Thanakankulam, Madurai under the care of her parents. The distance between the petitioner's place of



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residence and Theni is around 160 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 nine month old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.227 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.

9. The learned Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case in H.M.O.P.No.227 of 2024 to the file of the Sub Court, Thirumangalam, 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, Sub Court, Thirumangalam, Madurai is directed



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to take the case on file and dispose of the same as expeditiously as possible

WEB COPY in accordance with law.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

14.02.2025

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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