



Tr.CMP.(MD)No.11 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.11 of 2025

and

C.M.P.(MD)No.194 of 2025

R.Sharmila

.. Petitioner

Vs.

A.Sivasangar

.. Respondent

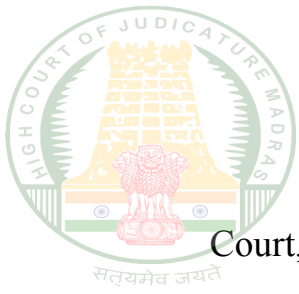
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.141 of 2023 on the file of the Sub Court, Tiruchendur and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Rajendran

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.141 of 2023 on the file of the Sub



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Court, Tiruchendur 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 10.02.2016 at Muthammalpuram as per the Hindu Rites and Customs. Out of wedlock, a male child, named Rajesh, was born on 11.10.2017.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.141 of 2023 on the file of the Sub Court, Tiruchendur 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 with her child at Nagamalai Pudukottai in Madurai District under the care of her parents. The distance between the petitioner's place of residence and Tiruchendur is around 370 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 seven year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.141 of 2023 from the file of the Sub Court, Tiruchendur 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.



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WEB COPY 9. The learned Judge, Sub Court, Tiruchendur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.141 of 2023 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.

24.02.2025

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,
Tiruchendur, Thoothukudi District.
- 2.The Family Court,
Madurai.

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