



Tr.CMP.(MD)No.251 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.251 of 2024

and

C.M.P.(MD)No.5867 of 2024

Gayathri

.. Petitioner

Vs.

Subbu @ Sivaraman

.. 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.90 of 2024 on the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.90 of 2024 on the file of the Family Court, Thanjavur 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 24.06.2020 as per Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.90 of 2024 on the file of the Family Court, Thanjavur 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.



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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 at Kallanai, Vadipatti, Madurai District, and is taking treatment at Madurai for the Systemic Lupus Erythematosus (SLE) disease. The distance between Madurai and Thanjavur is around 220 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing as it would cause much mental agony, since she suffers from a disease and has no independent income to spend. Hence, she seeks transfer of proceeding from the file of the Family Court, Thanjavur to the file of the Family Court, Madurai.

7. Taking into consideration of the facts and circumstances of the case, and considering the fact that the petitioner/wife is continuously taking treatment at Madurai, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.

8. The learned Judge, Family Court, Thanjavur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.90 of 2024 to the file of the Family Court, Madurai within a period of three weeks from the



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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 in accordance with law.

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

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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 learned Judge, Family Court,
Thanjavur
- 2.The learned Judge, Family Court,
Madurai

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