



Tr.C.M.P(MD)Nos.4 and 272 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 30.09.2024

Pronounced on : 21.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)Nos.4 and 272 of 2024

and

C.M.P(MD)Nos.149 and 6211 of 2024

Tr.C.M.P(MD)No.4 of 2024

Natchammai @ Devi

... Petitioner

Vs.

Ramasamy @ Lakshmanan

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.148 of 2023 from the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Dindigul to be tried along with H.M.O.P.No.277 of 2023.

For Petitioner : Mr.B.Azhagesh

For Respondent : Mr.R.M.Arun Swaminathan



Tr.C.M.P(MD)Nos.4 and 272 of 2024

Tr.C.M.P(MD)No.272 of 2024

Ramasamy @ Lakshmanan

... Petitioner

Vs.

Natchammai

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.277 of 2023 on the file of the Family Court, Dindigul and transfer the same to the Sub Court, Devakottai.

For Petitioner : Mr.R.M.Arun Swaminathan

For Respondent : Mr.B.Azhagesh

COMMON ORDER

The Transfer Civil Miscellaneous Petition in Tr.C.M.P(MD)No.4 of 2024 is filed seeking for an order to withdraw H.M.O.P.No.148 of 2023 on the file of the Subordinate Court, Devakottai and to transfer the same to the file of the Family Court, Dindigul to be tried along with H.M.O.P.No.277 of 2023.

2. The Transfer Civil Miscellaneous Petition in Tr.C.M.P(MD)No. 272 of 2024 is filed seeking for an order to withdraw H.M.O.P.No.277 of



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2023 on the file of the Family Court, Dindigul and to transfer the same to the file of the Subordinate Court, Devakottai.

3. For the sake of convenience, the parties arrayed in Tr.C.M.P.No. 4 of 2024 is adopted.

4. The petitioner herein is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 06.06.2019 as per Hindu rites and customs. Out of wedlock, they have no child. Because of misunderstanding, they are living separately. Thereafter, the petitioner has filed the petition in H.M.O.P.No.277 of 2023 on the file of the Family Court, Dindigul, for dissolution of marriage against the respondent. The respondent filed the petition in H.M.O.P.No.148 of 2023 on the file of the Sub Court, Devakottai, for restitution of conjugal rights.

5. The learned counsel for the petitioner has submitted that the petitioner is now studying and residing in Singapore, however, settled at Devakottai. The petitioner has already filed the petition seeking for dissolution of marriage. Thereafter, the respondent filed the petition for restitution of conjugal rights as a counter case. In the above



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circumstances, the petitioner has filed this present Transfer Civil Miscellaneous Petition.

6. The learned counsel for the respondent though initially objected the petition contending that both parties are natives of Karaikudi and the Devakottai Sub Court is only the jurisdictional Court and that the petitioner without any proof of residence at Dindigul, she managed to file the petition before the Family Court, Dindigul with false averments. The respondent has further submitted that the respondent is working and residing in Singapore, so, both parties have to attend the Family Court from Singapore and hence, cases may be transferred to the Sub Court.

7. During the course of argument, there is no objection on the petitioner's side to transfer both cases to Madurai. The respondent's side has also no serious objection.

8. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the petition for restitution of conjugal rights before the Sub Court,



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Devakottai, whereas the petitioner filed the petition for dissolution of marriage before the Family Court, Dindigul. Both parties are now residing in Singapore. It is well settled proposition of law, 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. Since both are residing in Singapore, they have to attend the Court from Singapore. During the argument, both parties stated 'no objection' for transferring the case to the Sub Court, Madurai. It is needless to say that the appearance of parties before the Sub Court in each and every hearing need not necessary as like Family Court. Therefore, taking note of the settled position of the convenience of the wife in matrimonial cases and also no objection stated by both parties, this Court is of the view that both petitions in H.M.O.P.Nos.148 of 2023 and 277 of 2023 to be transferred to the Principal Sub Court, Madurai, thereby, both the present petitions filed by both parties are to be allowed in part.

9. In the result, the Transfer Miscellaneous Petitions in Tr.C.M.P.(MD)Nos.4 of 2024 and 272 of 2024 are partly allowed. The petition in H.M.O.P.No.277 of 2023 on the file of the Family Court,



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Dindigul and the petition in H.M.O.P.No.148 of 2023 on the file of the Sub Court, Devakottai are hereby withdrawn and transferred to the file of the Principal Sub Court, Madurai for disposal in accordance with law. The learned Judge, Family Court, Dindigul and the learned Sub Judge, Devakottai are directed to transmit the entire records pertaining to the case in H.M.O.P.No.277 of 2023 and H.M.O.P.No.148 of 2023 respectively to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition are closed.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

VSD

To

- 1.The Family Court, Dindigul.
- 2.The Sub Court, Devakottai
- 3.The Principal Sub Court,
Madurai.
- 4.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)Nos.4 and 272 of 2024
and
C.M.P(MD)Nos.149 and 6211 of 2024

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