



Tr.CMP.(MD)No.141 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.141 of 2024

and

C.M.P.(MD)No.2883 of 2024

Kalpana @ Ananthi

.. Petitioner

Vs.

Kathirvel

.. 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.76 of 2021 on the file of the Principal Sub Court, Virudhachalam and transfer the same to the file of the Sub Court, Manapparai, Trichy District.

For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondent : No Appearance



Tr.CMP.(MD)No.141 of 2024

WEB COPY

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.76 of 2021 on the file of the Principal Sub Court, Virudhachalam and transfer the same to the file of the Sub Court, Manapparai, Trichy District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.09.2019 at Pothamettupatti, Manapparai, Trichy District as per the 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.76 of 2021 on the file of the Principal Sub Court, Virudhachalam seeking divorce. Thereafter, the petitioner/wife has initiated the proceeding in H.M.O.P. No.52 of 2021 on the file of the Sub Court, Manapparai seeking restitution of conjugal rights, and has also initiated another proceeding in M.C.No.15 of 2021 on the file of the Judicial Magistrate Court, Manapparai seeking maintenance.



Tr.CMP.(MD)No.141 of 2024

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 at her parents' home in Samuthiram Village, Manapparai Taluk, Trichy District. The distance between the petitioner's place of residence and Virudhachalam is around 190 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 from the file of the Principal Sub Court, Virudhachalam to the file of the Sub Court, Manapparai.

7. It is well settled proposition of law that 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.



Tr.CMP.(MD)No.141 of 2024

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, Principal Sub Court, Virudhachalam is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.76 of 2021 to the file of the Sub Court, Manapparai 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, Manapparai, Trichy District 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.

17.10.2024

mkn
Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.141 of 2024

P. VADAMALAI, J.

mkn

To

- 1.The Principal Sub Court,
Virudhachalam
- 2.The Sub Court,
Manapparai, Trichy District

Tr.CMP.(MD)No.141 of 2024
and
C.M.P.(MD)No.2883 of 2024

17.10.2024