



Tr.CMP.(MD)No.183 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 03.10.2024**

CORAM

**THE HON'BLE MR JUSTICE P. VADAMALAI**

**Tr.CMP.(MD)No.183 of 2024**

**and**

**C.M.P.(MD)No.4020 of 2024**

A.Tamilselvi

.. Petitioner

Vs.

P.Dinesh

.. 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. 350 of 2023 on the file of the Sub Court, Ambattur and transfer the same to the file of the Sub Court, Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.R.J.Karthick

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.350 of 2023 on the file of the Sub Court, Ambattur and transfer the same to the file of the Sub Court, Srivilliputhur, Virudhunagar District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.03.2020 at VSB Mahal, Pudur, Ambattur, Chennai as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Viyash, was born on 05.04.2022.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated the proceeding in M.C.No.5 of 2023 on the file of the Judicial Magistrate, Rajapalayam seeking maintenance. Thereafter, the respondent/husband has initiated the proceeding in H.M.O.P.No.350 of 2023 on the file of the Sub Court, Ambattur seeking dissolution of marriage.



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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 Rajapalayam, Virudhunagar District under the care of her mother. The distance between Rajapalayam and Ambattur is around 560 Kms, 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 two year old child. Hence, she seeks transfer of proceeding from the file of the Sub Court, Ambattur to the file of the Sub Court, Srivilliputhur.

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.



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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, Sub Court, Ambattur is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.350 of 2023 to the file of the Sub Court, Srivilliputhur, Virudhunagar District 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, Srivilliputhur, Virudhunagar District is directed to take the case on file and dispose of the same in accordance with law.

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

**03.10.2024**

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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 Sub Court,  
Ambattur
- 2.The Sub Court,  
Srivilliputhur, Virudhunagar District

**Tr.CMP.(MD)No.183 of 2024**

**and**

**C.M.P.(MD)No.4020 of 2024**

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