



Tr.CMP.(MD)No.201 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.201 of 2024

and

C.M.P.(MD)No.4370 of 2024

Hema Devi

.. Petitioner

Vs.

Harish Babu

.. 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. 227 of 2023 on the file of the Principal Sub Court, Ponneri, Thiruvallur District and transfer the same to the file of the Sub Court, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.K.Yasar Arafath

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.227 of 2023 on the file of the Principal Sub Court, Ponneri, Thiruvallur District and transfer the same to the file of the Sub Court, Paramakudi, Ramanathapuram District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 12.12.2022 at Arulmigu Sornambigai Udanorai Arulmigu Thirumolanathasamy Thirukoil, Puzhal in Chennai as per Hindu Rites and Customs. Out of the wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in M.C.No.6 of 2024 pending on the file of the Judicial Magistrate, Paramakudi seeking maintenance. The respondent/husband has also initiated the proceeding in H.M.O.P.No.227 of 2023 on the file of the Principal Sub Court, Ponneri seeking divorce.



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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 the resident of Paramakudi Taluk, Ramanathapuram District. The distance between Paramakudi and Ponneri is around 533 Kms, and the petitioner/wife 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, Ponneri to the file of the Sub Court, Paramakudi.

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.

8. Considering the facts and circumstances of the case, and also



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considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Principal Sub Court, Ponneri, Thiruvallur District is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.227 of 2023, to the file of the Sub Court, Paramakudi, Ramanathapuram 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, Paramakudi, Ramanathapuram 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.

12.09.2024

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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 learned Judge, Principal Sub Court,
Ponneri, Thiruvallur District
- 2.The learned Judge, Sub Court,
Paramakudi, Ramanathapuram District

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