



Tr.CMP.(MD)No.235 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.235 of 2024

and

C.M.P.(MD)No.5201 of 2024

Vallikannu @ Chellam

.. Petitioner

Vs.

Senthil Chidambaram

.. 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.28 of 2024 on the file of the Sub Court, Pattukottai and transfer the same to the file of the Sub Court, Devakottai.

For Petitioner : Mr.R.Mohanaraja

For Respondent : Mr.R.Balakrishnan



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.28 of 2024 on the file of the Sub Court, Pattukottai and transfer the same to the file of the Sub Court, Devakottai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.01.2023 at Kandanur Village, Karaikudi Taluk in Sivagangai District 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 already initiated the proceeding in H.M.O.P.No.29 of 2024 on the file of the Sub Court, Devakottai seeking divorce on the ground of cruelty. Subsequently, the respondent/husband has initiated the proceeding in H.M.O.P.No.28 of 2024 on the file of the Sub Court, Pattukottai seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Karaikudi Town in Sivagangai District. The distance between Karaikudi and Pattukottai is around 170 Kms to and fro, 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 Sub Court, Pattukottai to the file of the Sub Court, Devakottai.

6. The learned counsel for the respondent has not raised any serious objection to this petition.

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



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9. The learned Judge, Sub Court, Pattukottai is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.28 of 2024, to the file of the Sub Court, Devakottai 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, Devakottai is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

10. With the above direction, 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, Sub Court,
Pattukottai
- 2.The learned Judge, Sub Court,
Devakottai

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and

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