



Tr.CMP.(MD)No.408 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 13.09.2024**

**CORAM**

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

**Tr.CMP.(MD)No.408 of 2024**

**and**

**C.M.P.(MD)No.8888 of 2024**

Isaivani

.. Petitioner

**Vs.**

Vinayagamoorthy

.. 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.45 of 2024 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Sub Court, Valliyur, Tirunelveli District.

*(Prayer has been amended vide Court order, dated 04.09.2024, in C.M.P. (MD)No.11410 of 2024 in Tr.C.M.P.(MD)No.408 of 2024 by PVMJ)*

For Petitioner : M/s.Laxmi Mahendraa

For Respondent : Mr.K.Pandiarajan



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### **ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.45 of 2024 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Sub Court, Valliyur, Tirunelveli District.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.10.2020 at Siva Temple, Sikkandhar Chavadi, Madurai as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Aadhitya, was born on 12.10.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.45 of 2024 on the file of the III Additional Sub Court, Madurai 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 her parents' home in Valliyur, and is working as an Ophthalmologist at Government Hospital, Koodankulam. The distance between Valliyur and Madurai is around 203 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 III Additional Sub Court, Madurai to the file of the Sub Court, Valliyur.

6. The learned counsel for the respondent has raised only formal objection to this petition.

7. Considering the overall facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.

8. The learned Judge, III Additional Sub Court, Madurai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.45 of 2024 to the file of the Sub Court, Valliyur, Tirunelveli District within a period of



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three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Valliyur, Tirunelveli District is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

**13.09.2024**

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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, III Additional Sub Court,  
Madurai
- 2.The learned Judge, Sub Court,  
Valliyur, Tirunelveli District

**Tr.CMP.(MD)No.408 of 2024**

**and**

**C.M.P.(MD)No.8888 of 2024**

**13.09.2024**