



Tr.CMP.(MD)No.455 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.455 of 2024

and

C.M.P.(MD)No.10264 of 2024

Amaravathi

.. Petitioner

Vs.

Venkateshwaran @ Alayamani

.. 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.41 of 2024 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Sub Court, Aruppukottai or any other competent Court in Virudhunagar District.

For Petitioner : Mr.B.Muneeswaran

For Respondent : Mr.M.Prabu



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.41 of 2024 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Sub Court, Aruppukottai or any other competent Court in 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 17.09.2015 at N.Jagaveerapuram Village in Tuticorin District as per Hindu Rites and Customs. Out of the wedlock, two female children, named Rajadharshana and Rajahashini, were born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.41 of 2024 on the file of the Sub Court, Kovilpatti seeking dissolution of marriage.

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 with her parents at Kullampatti Village, Thiruchuli Taluk in Virudhunagar District. The distance between Kullampatti village and Kovilpatti is around 230 Kms to and fro, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding from the file of the Sub Court, Kovilpatti to the file of the Sub Court, Aruppukottai or any other competent Court in Virudhunagar District.

6. The learned counsel for the respondent has raised 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.



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8. 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.

9. The learned Judge, Sub Court, Kovilpatti is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.41 of 2024 to the file of the Sub Court, Aruppukottai 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, Aruppukottai 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.

11.09.2024

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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,
Kovilpatti
- 2.The learned Judge, Sub Court,
Aruppukottai

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and

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