



WEB COPY



Tr.C.M.P(MD)No.481 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.09.2024

Pronounced on : 10.10.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.481 of 2024

and

C.M.P(MD)No.11304 of 2024

P.Pandiyarani

... Petitioner

Vs.

S.Muthupandi Chakkaravarthi

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to transfer the petition in H.M.O.P.No.62 of 2023 on the file of the 2nd Additional Sub-Judge, Coimbatore to the Sub-Judge, Dindigul.

For Petitioner : Mr.A.Shahul Hameed

For Respondent : Mr.Kannan Gurusami

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw H.M.O.P.No.62 of 2023 on the file of II Additional Sub Court, Coimbatore and to transfer the same to the file of the Sub Court, Dindigul.



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2. The petitioner is the wife and the respondent is the husband.

Their marriage was solemnized on 28.10.2022 at Batlagundu of Dindigul District as per Hindu rites and customs. Because of suspicion by the respondent, misunderstanding arose between them and the petitioner has been forced to leave the matrimonial home. She is now residing with her parents. Thereafter, the respondent filed a petition for divorce in H.M.O.P.No.62 of 2023 before the II Additional Sub Court, Coimbatore.

3. The learned counsel for the petitioner has submitted that the petitioner is now residing with her parents at old Batlagundu of Nilakottai Taluk. The petitioner finds it very difficult to attend the Court at Coimbatore from Batlagundu by travelling more than 200 km. She is not having any independent income and she is only depending on her parents even for her day-to-day expenses. In the above circumstances, the petitioner has filed this present Transfer Civil Miscellaneous Petition.

4. The learned counsel for the respondent has filed a counter and objected the petition. He further submitted that in the main case, PW1 was examined and Ex.P.1 to Ex.P.4 were marked. Only to drag the



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proceedings, the petitioner has purposely filed this petition. The petitioner is ready to pay expenditure to the petitioner. Moreover, the petitioner has residence at Coimbatore. Hence, the petition may be dismissed.

5. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately. In such circumstances, the respondent filed the divorce petition before the II Additional Sub Court, Coimbatore. It is well settled proposition of law, whenever the transfer petition is filed in matrimonial disputes, the convenience of wife should be predominantly looked into and the wife's convenience shall be given preference. Though the respondent states that the petitioner has a residence at Coimbatore, no material is filed. Moreover, the transfer sought is only to the Sub Court. Hence, the appearance of the respondent in each and every hearing need not be necessary as that of the Family Court, unless he is directed for personal appearance by the Court. Therefore, I am of the view that the present petition filed by the wife is to be allowed.



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6. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.62 of 2023 on the file of the II Additional Sub Court, Coimbatore, is hereby withdrawn and transferred to the file of the Sub Court, Dindigul to be heard and disposed of in accordance with law. The learned II Additional Sub Judge, Coimbatore, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.62 of 2023 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

VSD

To

- 1.The II Additional Sub Court,
Coimbatore.
- 2.The Sub Court,
Dindigul.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.481 of 2024
and
C.M.P(MD)No.11304 of 2024

.10.2024