



Tr.C.M.P(MD)No.470 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.470 of 2024

and

C.M.P(MD)No.10842 of 2024

Aishwarya

... Petitioner

Vs.

Pradeepkumar

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the proceedings in H.M.O.P.No.293 of 2023 pending on the file of the Sub Court, Uthamapalayam to the file of the Family Court, Srivilliputhur and to try along with H.M.O.P.No.63 of 2024 which is pending on the file of the Family Court, Srivilliputhur.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.K.C.Ramalingam

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the proceedings in H.M.O.P.No.293 of 2023 pending on the file of the Sub Court, Uthamapalayam to the file of the Family Court, Srivilliputhur and to try along with H.M.O.P.No.63 of 2024.



Tr.C.M.P(MD)No.470 of 2024

WEB COPY **2. The facts in brief:**

The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and respondent was solemnized on 13.03.2022 at Chinnamanoor, Theni District as per Hindu rites and customs. Due to some difference of opinion, they have separated. The petitioner/wife filed a petition in H.M.O.P.No.63 of 2024 before the Family Court, Srivilliputhur, seeking restitution of conjugal rights and the respondent/husband filed a petition in H.M.O.P.No.293 of 2023 before the Sub Court, Uthamapalayam, seeking divorce.

3. The learned counsel for the petitioner has submitted that the petitioner is residing at Achamthavirthan Village, Srivilliputhur Taluk. The distance between the petitioner's residence to Uthamapalayam is more than 150 Kms and she finds it very difficult to travel such a long distance to attend the Court hearing at Uthamapalayam. Hence, the petitioner has filed this present Transfer Civil Miscellaneous Petition seeking to transfer the case in H.M.O.P.No.293 of 2023 pending on the file of the Sub Court, Uthamapalayam to the file of the Family Court, Srivilliputhur and to try along with H.M.O.P.No.63 of 2024.



Tr.C.M.P(MD)No.470 of 2024

WEB COPY

4. The learned counsel for the respondent submitted that the respondent is working in SBI Life Insurance Co.Ltd., at Madurai and he finds it difficult to travel from Madurai to Srivilliputhur. The physical appearance of the parties before the Sub Court is not necessary and hence this 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 and in such circumstances, the respondent filed the divorce petition before the Sub Court, Uthamapalayam. It is well settled proposition of law, 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. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.293 of 2023 pending on the file of the Sub Court, Uthamapalayam, is hereby withdrawn and transferred to the file of the Family Court, Srivilliputhur.



Tr.C.M.P(MD)No.470 of 2024

WEB COPY

7. The learned Judge, Sub Court, Uthamapalayam is directed to transmit the entire records pertaining to the case in H.M.O.P.No.293 of 2023 to the Family Court, Srivilliputhur, within a period of three weeks from the date of receipt of a copy of this order. On receipt of records, the learned Judge, Family Court, Srivilliputhur, is directed to take the case on file and to be tried along with H.M.O.P.No.63 of 2024 and dispose of the same as expeditiously as possible in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Sub Court,
Uthamapalayam.
- 2.The Family Court,
Srivilliputhur,
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD)No.470 of 2024

P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.470 of 2024
and
C.M.P(MD)No.10842 of 2024

27.09.2024