



Tr.CMP.(MD)No.505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.505 of 2024

and

C.M.P.(MD)No.11990 of 2024

Sridevi

.. Petitioner

Vs.

Dineshbabu

.. 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.71 of 2024 on the file of the Principal Sub Court, Ambasamudram and transfer the same to the file of the Principal Sub Court, Madurai.

For Petitioner : Mr.T.Selvan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.71 of 2024 on the file of the



Tr.CMP.(MD)No.505 of 2024

Principal Sub Court, Ambasamudram and transfer the same to the file of the
Principal Sub Court, Madurai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.07.2018 at Arulmigu Lakshmi Narayana Perumal Thirukovil, Ambasamudram as per the Hindu Rites and Customs. Out of the wedlock, a male child, named Sai Dharsan, was born on 21.06.2019.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.71 of 2024 on the file of the Principal Sub Court, Ambasamudram seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



Tr.CMP.(MD)No.505 of 2024

WEB COPY

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Lourthu Nagar, Madurai under the care of her step father, and her child is studying UKG at Cambridge School, Madurai. The distance between Madurai and Ambasamudram is around 200 Kms, and the petitioner/wife finds it very difficult to travel such a long distance for attending every Court hearing along with the five year old kindergartener. Hence, she seeks transfer of proceeding from the file of the Principal Sub Court, Ambasamudram to the file of the Principal Sub Court, Madurai.

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.



Tr.CMP.(MD)No.505 of 2024

9. The learned Judge, Principal Sub Court, Ambasamudram is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.71 of 2024, to the file of the Principal Sub Court, Madurai 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, Principal Sub Court, Madurai is directed to take the case on file and dispose of the same in accordance with law.

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

26.09.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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Tr.CMP.(MD)No.505 of 2024

P. VADAMALAI, J.

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To

- 1.The learned Judge, Principal Sub Court,
Ambasamudram
- 2.The learned Judge, Principal Sub Court,
Madurai

Tr.CMP.(MD)No.505 of 2024
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