



Tr.C.M.P(MD)No.509 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.509 of 2024
and
C.M.P(MD)No.12063 of 2024

Rajalakshmi

... Petitioner

Vs.

Vignesh

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No. 145 of 2024 on the file of the Family Court, Theni, Theni District and transfer the same to the file of the Family Court, Srivilliputtur, Virudhunagar District.

For Petitioner : Mr.D.Raja Boopathy
For Respondent : Mr.C.Ganesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.145 of 2024 pending on the file of the Family Court, Theni, Theni District and transfer the same to the file of the Family Court, Srivilliputtur, Virudhunagar District.



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2. The learned counsel for the petitioner submitted that the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and respondent was solemnized on 06.06.2029 at 24-Manai Telugu Chetiar Uravin Murai Marriage Mahal, Jakamanayakanpatti Village, Bodinayakkanur Taluk, Theni District as per Hindu rites and customs. Out of wedlock, they blessed with two male children aged 5 years and 2 years respectively. Due to matrimonial dispute, the respondent/husband filed a petition in H.M.O.P.No.145 of 2024 before the Family Court, Theni, seeking restitutions of conjugal rights. He would further submit that the petitioner finds it difficult to travel from her residence to Theni to attend the Court hearing. Hence, she seeks to transfer the case as prayed for.

3. The learned counsel for the respondent submitted that the respondent is working as a Postmaster at Thamarakulam, Periyakulam, Theni District and he finds it very difficult to attend the Court proceedings every hearing, if the case is transferred to the Family Court, Srivilliputhur and hence he prays to transfer the case to intermediate place.



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4. 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 petition before the Family Court, Theni seeking restitution of conjugal rights. 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.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.145 of 2024 pending on the file of the Family Court, Theni, Theni District, is hereby withdrawn and transferred to the file of the Principal Sub Court, Srivilliputhur.

6. The learned Judge, Family Court, Theni, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.145 of 2024 to the Principal Sub Court, Srivilliputhur, within a period of three weeks from the date of receipt of a copy of this order. On receipt of records, the



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learned Principal Sub Judge, Srivilliputhur, is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

01.10.2024

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

To

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



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P.VADAMALAI, J.

VSD

Order made in
Tr.C.M.P(MD)No.509 of 2024
and
C.M.P(MD)No.12063 of 2024

01.10.2024