



Tr.CMP.(MD)No.13 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.13 of 2025

and

C.M.P.(MD)No.333 of 2025

Shanmathy

.. Petitioner

Vs.

V.Aravindan

.. 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.164 of 2024 on the file of the Family Court, Ramanathapuram and transfer the same to the file of the III Additional Sub Court, Madurai to be tried along with H.M.O.P.No.120 of 2024.

For Petitioner : Ms.M.Dhanalakshmi

For Respondent : Mr.D.Balamurugapandi

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.164 of 2024 on the file of the Family Court, Ramanathapuram and transfer the same to the file of the III Additional Sub Court, Madurai to be tried along with H.M.O.P.No.120 of 2024.



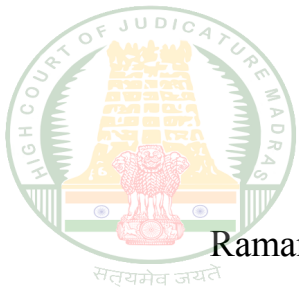
Tr.CMP.(MD)No.13 of 2025

WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.05.2019 at Thirumohur Sri Kalamega Perumal Temple, Y.Othakkadai, Madurai District as per the Hindu Rites and Customs. Out of wedlock, a female child, named Prathiksha, was born on 24.01.2020.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding in H.M.O.P.No.120 of 2024 on the file of the III Additional Sub Court, Madurai seeking divorce. The respondent/husband has initiated the proceeding in H.M.O.P.No.164 of 2024 on the file of the Family Court, Ramanathapuram seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Narayanapuram, Madurai District under the care of her parents. The distance between Madurai and



Tr.CMP.(MD)No.13 of 2025

Ramanathapuram is around 240 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the five year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.164 of 2024 from the file of the Family Court, Ramanathapuram to the file of the III Additional Sub Court, Madurai to be tried along with H.M.O.P.No.120 of 2024.

6. The learned counsel for the respondent would submit that there is a life threat for the respondent in Madurai, and would raise strong objection to allow this petition. Further, he would pray this Court to transfer the proceeding in H.M.O.P.No.164 of 2024 from the file of the Family Court, Ramanathapuram to the file of any Court between Ramanathapuram and 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.



Tr.CMP.(MD)No.13 of 2025

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, Family Court, Ramanathapuram is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.164 of 2024, to the file of the III Additional 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, III Additional Sub Court, Madurai is directed to take the case on file and try the case along with H.M.O.P.No.120 of 2024 and dispose of both the cases as expeditiously as possible in accordance with law.

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

14.03.2025

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No
mkn



WEB COPY



Tr.CMP.(MD)No.13 of 2025

P. VADAMALAI, J.

mkn

To

- 1.The Family Court,
Ramanathapuram.
- 2.The III Additional Sub Court,
Madurai.

Tr.CMP.(MD)No.13 of 2025
and
C.M.P.(MD)No.333 of 2025

14.03.2025