

Tr.C.M.P(MD)No.21 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.21 of 2025

and

C.M.P(MD)No.479 of 2025

Geetha

... Petitioner

Vs.

D.Ganesan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.64 of 2024 on the file of the Subordinate Court, Sankarankovil and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.R.J.Karthick
For Respondent : Mr.T.Kanagaraj

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.64 of 2024 from the file of the Subordinate Court, Sankarankovil and transfer the same to the file of the Family Court, Tirunelveli.



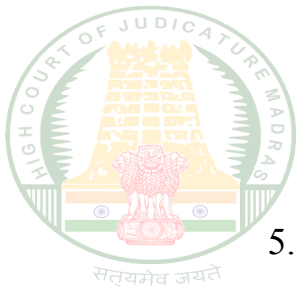
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WEB COPY 2. The petitioner is the wife and the respondent is the husband.

The marriage between the petitioner and the respondent was solemnized on 29.08.2012 at Meenakshi Amman Temple, Vadakkukuruvikulam Village, Thiruvengadam Taluk, Tenkasi, as per Hindu rites and customs. Out of wedlock, they have no child. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed H.M.O.P.No.64 of 2024 before the Subordinate Court, Sankarankovil, for restitution of conjugal rights. The petitioner/wife has filed D.V.O.P.No.41 of 2023 before the Judicial Magistrate Court No.1, Tirunelveli.

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

4. The learned counsel for the petitioner submitted that the petitioner is now residing at Tirunelveli. The distance between the petitioner's place of residence and Sankarankovil is 65 kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance to attend every Court hearing at Theni. Hence, she seeks to transfer the case as prayed for.

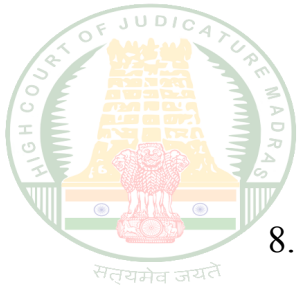


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5. The learned counsel for the respondent submitted that the case may be transferred to the middle place between Sankarankovil and Tirunelveli.

6. 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/husband filed the petition for restitution of conjugal rights before the Subordinate Court, Sankarankovil. The petitioner/wife filed D.V.O.P.No.41 of 2023 before the Judicial Magistrate Court No.1, Tirunelveli. 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. 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.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.64 of 2024 pending on the file of the Subordinate Court, Sankarankovil, is hereby withdrawn and transferred to the file of the Family Court, Tirunelveli.



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8. The learned Sub Judge, Sankarankovil, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.64 of 2024 to the file of the Family Court, Tirunelveli, 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, Family Court, Tirunelveli, 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 Civil Miscellaneous Petition is closed.

09.04.2025

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

To

1. The Sub Judge,
Sankarankovil.
2. The Family Court,
Tirunelveli,
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.21 of 2025
and
C.M.P(MD)No.479 of 2025

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