



Tr.CMP.(MD)No.24 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.24 of 2025

and

C.M.P.(MD)No.562 of 2025

Swetha

.. Petitioner

Vs.

Jeyabalamurugan

.. 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.125 of 2024 on the file of the Sub Court, Paramakudi and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.Mr.P.Krishna Samy
for Mr.P.Pitchaimuthu

For Respondent : Mr.K.Rajeshwaran

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.125 of 2024 on the file of the Sub Court, Paramakudi and transfer the same to the file of the Family Court, Madurai.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 24.05.2023 at Paramakudi as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.125 of 2024 on the file of the Sub Court, Paramakudi seeking divorce.

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 is having 90% of hearing impairment, and is now residing at Viraganoor in Madurai District under the care of her father. The distance between Madurai and Paramakudi is around 75 Kms, and the petitioner/wife, being a lady with the hearing impairment, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.125 of 2024 from the file of the Sub Court, Paramakudi to the file of the Family Court, Madurai.



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WEB COPY 6. The learned counsel for the respondent has raised only formal objection to this petition and would submit that instead of Family Court, Madurai, the proceeding in H.M.O.P.No.125 of 2024 may be transferred from the file of the Sub Court, Paramakudi to the file of the Principal Sub Court, Madurai, for which the learned counsel for the petitioner has not raised any objection.

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 overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the fact that the learned counsel for the petitioner has not raised any objection for the transfer of proceeding in H.M.O.P.No.125 of 2024 from the file of the Sub Court, Paramakudi to the file of the Principal Sub Court, Madurai, this Court is inclined to allow this petition.



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9. The learned Judge, Sub Court, Paramakudi is directed to transmit

the entire records pertaining to the case, in H.M.O.P.No.125 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 within a period of five months from the date of receipt of records.

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

25.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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P. VADAMALAI, J.

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To

- 1.The Sub Court,
Paramakudi.
- 2.The Principal Sub Court,
Madurai.

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