



Tr.CMP.(MD)No.23 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.23 of 2025

and

C.M.P.(MD)No.491 of 2025

M.Priyadharshini

.. Petitioner

Vs.

P.Rajkumar

.. 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.12 of 2023 on the file of the Sub Court, Alandur and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.P.Jeyasankar

For Respondent : Mr.M.S.Jeya Karthik



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.12 of 2023 on the file of the Sub Court, Alandur and transfer the same to the file of the Family Court, Theni.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.09.2021 at J.D. Mahal Marriage Hall, Periya Kovilambakkam, Chennai as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in H.M.O.P.No.926 of 2023 on the file of the Family Court, Theni seeking restitution of conjugal rights and also a proceeding in M.C.No.15 of 2023 on the file of the Family Court, Theni seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.12 of 2023 on the file of the Sub Court, Alandur seeking divorce.



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

5. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Sillamarathupatti Village, Theni District under the care of her parents. The distance between the petitioner's place of residence and Alandur is around 1050 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. Hence, she seeks transfer of proceeding in H.M.O.P.No.12 of 2023 from the file of the Sub Court, Alandur to the file of the Family Court, Theni to be tried along with H.M.O.P.No.926 of 2023.

6. The learned counsel for the respondent has filed a counter affidavit, and has raised strong objection to allow this petition. Further, he requests this Court that if the proceeding in H.M.O.P.No.12 of 2023 is transferred from the file of the Sub Court at Alandur to the file of the Family Court at Theni, a direction may be given to the learned Family Judge, Theni to dispose of the cases as early as possible.

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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 taking note of the fact that already two proceedings, initiated by the petitioner/wife, are pending on the file of the Family Court at Theni, this Court is inclined to allow this petition.

9. The learned Judge, Sub Court, Alandur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.12 of 2023, to the file of the Family Court, Theni 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, Theni is directed to take the case on file and hear the case along with H.M.O.P.No.926 of 2023 and dispose of both the cases in accordance with law within a period of six months from the date of receipt of records.



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

24.03.2025

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,
Alandur, Chengalpattu District.

2.The Family Court,
Theni.

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and
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