



Tr.CMP.(MD)No.15 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.15 of 2025

and

C.M.P.(MD)No.350 of 2025

Padmasri

.. Petitioner

Vs.

V.Jayagurunathan

.. 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.111 of 2024 on the file of the Sub Court, Sattur and transfer the same to the file of the Family Court, Theni.

For Petitioner : M/s.A.Dharani

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.111 of 2024 on the file of the Sub Court, Sattur and transfer the same to the file of the Family Court, Theni.



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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 06.04.2022 at Mukkootumalai Arulmigu Sri Kanni Vinayagar Temple, Virudhunagar District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in M.C.No.102 of 2024 on the file of the Family Court, Theni seeking maintenance. Thereafter, the respondent/husband has initiated the proceeding in H.M.O.P.No.111 of 2024 on the file of the Sub Court, Sattur seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



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WEB COPY 6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Govindhanagaram, Theni District under the care of her mother. The distance between Theni and Sattur is around 120 Kms, 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.111 of 2024 from the file of the Sub Court, Sattur to the file of the Family Court, Theni.

7. It is well settled proposition of law that whenever 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 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, Sub Court, Sattur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.111 of 2024 to the file



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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 dispose of the same 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.

12.02.2025

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,
Sattur.

2.The Family Court,
Theni.

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