



Tr.CMP.(MD)Nos.30 & 83 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)Nos.30 & 83 of 2025

and

C.M.P.(MD)Nos.753 & 2022 of 2025

Tr.C.M.P.(MD)No.30 of 2025 :

Kavitha

.. Petitioner

Vs.

Saravanan

.. 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.711 of 2024 on the file of the Family Court, Karur and transfer the same to the file of the Principal Sub Court, Trichy.

For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.A.N.Ramanathan

Tr.C.M.P.(MD)No.83 of 2025 :

Saravanan

.. Petitioner

Vs.

Kavitha

.. Respondent



Tr.CMP.(MD)Nos.30 & 83 of 2025

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.162 of 2024 on the file of the Principal Sub Court, Trichy and transfer the same to the file of the Family Court, Karur to be tried along with H.M.O.P.No.711 of 2024.

For Petitioner : Mr.A.N.Ramanathan

For Respondent : Mr.S.I.Muthiah

COMMON ORDER

The Transfer Civil Miscellaneous Petition in Tr.C.M.P.(MD)No.30 of 2025 has been filed by the wife to withdraw the proceeding in H.M.O.P. No.711 of 2024 on the file of the Family Court, Karur and transfer the same to the file of the Principal Sub Court, Trichy, and the Transfer Civil Miscellaneous Petition in Tr.C.M.P.(MD)No.83 of 2025 has been filed by the husband to withdraw the proceeding in H.M.O.P.No.162 of 2024 on the file of the Principal Sub Court, Trichy and transfer the same to the file of the Family Court, Karur to be tried along with H.M.O.P.No.711 of 2024.

2. The marriage between both the parties was solemnized on 07.11.2022 at KVS Mahal, Pettaivaithalai as per the Hindu Rites and Customs. Out of their wedlock, no child was born.



Tr.CMP.(MD)Nos.30 & 83 of 2025

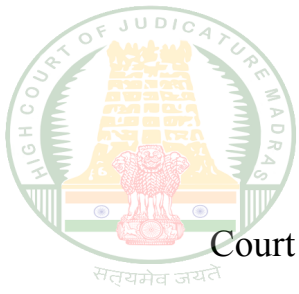
WEB COPY

3. Due to disputes and differences, the parties have separated, and the husband has initiated the proceeding in H.M.O.P.No.711 of 2024 on the file of the Family Court, Karur seeking restitution of conjugal rights. The wife has initiated the proceeding in H.M.O.P.No.162 of 2024 on the file of the Principal Sub Court, Trichy seeking divorce.

4. Heard the learned counsel appearing on either side.

5. The learned counsel appearing for the wife submits that his client is now residing at Pettavaithalai, Srirangam Taluk, Trichy District under the care of her parents. The distance between Pettavaithalai and Karur is around 120 Kms to and fro, and being a lady, she 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.711 of 2024 from the file of the Family Court, Karur to the file of the Principal Sub Court, Trichy to be tried along with H.M.O.P.No.162 of 2024.

6. The learned counsel appearing for the husband has not raised any serious objection for the transfer of proceeding in H.M.O.P.No.711 of 2024 from the file of the Family Court at Karur to the file of the Principal Sub



Tr.CMP.(MD)Nos.30 & 83 of 2025

Court at Trichy, and he submitted that the husband is ready to reunite with the wife.

7. On perusal of the record, it is seen that on 24.02.2025, this Court has already referred these cases to the Mediation and Conciliation Centre attached to this Bench, and a report, dated 10.03.2025, has also been received by this Court stating that no agreement was reached. Despite referring these cases to the Mediation on the request made by both the parties, there is no amicable settlement arrived between them.

8. 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.

9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, this Court is inclined to allow the petition in Tr.C.M.P.(MD)No.30 of 2025 and is inclined to dismiss the petition in Tr.C.M.P.(MD)No.83 of 2025.



Tr.CMP.(MD)Nos.30 & 83 of 2025

WEB COPY 10. The learned Judge, Family Court, Karur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.711 of 2024, to the file of the Principal Sub Court, Trichy 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, Trichy is directed to take the case on file, and try the case along with H.M.O.P.No.162 of 2024, and dispose of both the cases as expeditiously as possible in accordance with law.

11. Accordingly, the Transfer Civil Miscellaneous Petition in Tr.C.M.P.(MD)No.30 of 2025 stands allowed, and the Transfer Civil Miscellaneous Petition in Tr.C.M.P.(MD)No.83 of 2025 stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

25.03.2025

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 Family Court,
Karur.

2.The Principal Sub Court,
Trichy.

Tr.CMP.(MD)Nos.30 & 83 of 2025
and
C.M.P.(MD)Nos.753 & 2022 of 2025

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