



Tr.CMP.(MD)No.34 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.34 of 2025

and

C.M.P.(MD)No.1029 of 2025

Manoj Parvathi

.. Petitioner

Vs.

N.Sathiya

.. 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.191 of 2024 on the file of the Principal Sub Court, Hosur and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.Charles Kamalesh M.Appaji

For Respondent : Mr.R.Ramasamy

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.191 of 2024 on the file of the Principal Sub Court, Hosur and transfer the same to the file of the Family Court, Madurai.



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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 03.02.2023 at PTR Thirumana Mahal, Chinna Chokkikulam, Madurai as per the Hindu Rites and Customs. Out of the wedlock, a male child, named S.M.Thaswanth, was born on 22.11.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.191 of 2024 on the file of the Principal Sub Court, Hosur 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 now residing with her child at Madurai under the care of her parents, and is depending on her parents for her fundamental needs. The distance between Madurai and Hosur is around 906 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 along with the one year old



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child. Hence, she seeks transfer of proceeding in H.M.O.P.No.191 of 2024 from the file of the Principal Sub Court, Hosur to the file of the Family Court, Madurai.

6. The learned counsel for the respondent has filed a counter, and would submit that the petitioner/wife is currently working in WIPRO, Bangalore and there is no necessity for her to depend on her parents for her fundamental needs. The said facts were deliberately suppressed by the petitioner in the present petition. There is no need to transfer the proceeding in H.M.O.P.No.191 of 2024 from the file of the Principal Sub Court, Hosur to the file of the Family Court, Madurai, since the petitioner/wife is already working at Bangalore which is not so faraway from Hosur. Further, he would request this Court that if the proceeding in H.M.O.P.No.191 of 2024 is transferred from the file of the Principal Sub Court, Hosur to the file of the Family Court, Madurai, the personal appearance of the respondent before the Family Court, Madurai may be dispensed with.

7. Upon hearing the contention made by the learned counsel for the respondent, the learned counsel for the petitioner would submit that instead of Family Court, Madurai, the proceeding in H.M.O.P.No.191 of 2024 may



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be transferred from the file of the Principal Sub Court, Hosur to the file of the Principal Sub Court, Madurai, where the presence of either party is necessary only for indispensable hearings, for which the learned counsel for the respondent has not raised any objection.

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, and also considering the fact that both the parties have consented for the transfer of proceeding in H.M.O.P.No.191 of 2024 from the file of the Principal Sub Court, Hosur to the file of the Principal Sub Court, Madurai, this Court is inclined to allow this petition.

10. The learned Judge, Principal Sub Court, Hosur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.191 of 2024, to the file of the Principal Sub Court, Madurai within a period of



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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.

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

20.02.2025

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 Principal Sub Court,
Hosur, Krishnagiri District.
- 2.The Principal Sub Court,
Madurai.

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