



Tr.CMP.(MD)No.38 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.38 of 2025

and

C.M.P.(MD)Nos.1048 & 1050 of 2025

M.Angalaeswari @ Kowsalyadevi

.. Petitioner

Vs.

M.Periyamarimuthu @ Ananth

.. 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.384 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Srivilliputhur.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.S.A.Ajmal Khan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.384 of 2024 on the file of the Family Court, Theni and transfer the same to the file of the Family Court, Srivilliputhur.



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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 14.02.2016 at Arulmigu Sri Balasubramaniaswami Temple, Thenkarai, Theni District as per the Hindu Rites and Customs. Out of wedlock, two children, named P.Muthu Sivakarthick and P.Shivanika, were born on 24.09.2018 and 29.10.2020 respectively.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in H.M.O.P.No.125 of 2024 on the file of the Family Court, Srivilliputhur seeking divorce, and she has also initiated a proceeding in M.C.No.34 of 2024 on the file of the Family Court, Srivilliputhur seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.384 of 2024 on the file of the Family Court, Theni seeking restitution of conjugal rights.

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 with her children at Srivilliputhur Town,



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Virudhunagar District under the care of her parents. The distance between Srivilliputhur and Theni is around 200 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding in H.M.O.P.No.384 of 2024 from the file of the Family Court, Theni to the file of the Family Court, Srivilliputhur.

6. The learned counsel for the respondent has raised strong objection to allow this petition.

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 into account of the fact that already two proceedings, which were filed by the petitioner/wife, are pending before the Family Court at Srivilliputhur, this Court is inclined to allow this petition.



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WEB COPY 9. The learned Judge, Family Court, Theni is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.384 of 2024, to the file of the Family Court, Srivilliputhur 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, Srivilliputhur 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 Petitions are closed.

03.04.2025

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,
Theni.

2.The Family Court,
Srivilliputhur.

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