



Tr.CMP.(MD)No.40 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.40 of 2025

and

C.M.P.(MD)No.1114 of 2025

P.Nalla Muthu Swathy

.. Petitioner

Vs.

Thirupathi

.. 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.156 of 2024 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Theni.

For Petitioner : Mr.Thirumalai Venkatesan

For Respondent : Mr.R.Surli Raja

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.156 of 2024 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Theni.



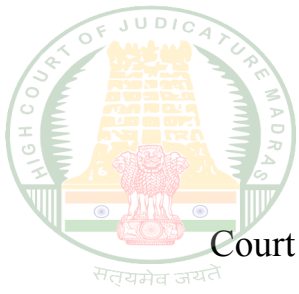
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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.03.2019 at Melur, Madurai as per the Hindu Rites and Customs. Out of wedlock, a male child, named Sai Dharshan, was born on 28.01.2020.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated a proceeding in M.C.No.107 of 2024 on the file of the Family Court, Theni seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.156 of 2024 on the file of the Sub Court, Melur 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/wife is now residing with her child at Periyakulam, Theni District under the care of her parents, and her child is also studying UKG at Periyakulam. The distance between the petitioner's place of residence and Melur is around 240 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every



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Court hearing along with the five year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.156 of 2024 from the file of the Sub Court, Melur to the file of the Family Court, Theni.

6. The learned counsel for the respondent would submit that the respondent is currently working as Grade II Warden at Puzhal Prison, Chennai, and if the proceeding in H.M.O.P.No.156 of 2024 is transferred to the file of the Family Court, Theni, he would also put to much hardship by travelling from Chennai to Theni. Further, he would request this Court to transfer the proceeding in H.M.O.P.No.156 of 2024 from the file of the Sub Court, Melur to the file of any Court at Madurai.

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 the petitioner/wife has initiated the proceeding in M.C.



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No.107 of 2024 on the file of the Family Court, Theni, this Court is inclined

to allow this petition.

9. The learned Judge, Sub Court, Melur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.156 of 2024, 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 dispose of the case 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.

11.03.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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P. VADAMALAI, J.

mkn

To

1.The Sub Court,
Melur.

2.The Family Court,
Theni.

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and
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