



Tr.CMP.(MD)No.45 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.45 of 2025

and

C.M.P.(MD)No.1271 of 2025

G.Jeya Prabhavathi

.. Petitioner

Vs.

K.Theivanayagam

.. 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.1409 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Uthamapalayam to be tried along with H.M.O.P.No.114 of 2024.

For Petitioner : Mr.M.Karuppasamypandian

For Respondent : Mr.R.Venkatesan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1409 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Uthamapalayam to be tried along with H.M.O.P.No.114 of 2024.



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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 03.03.2023 at Arulmigu Subramaniaswamy Thirukovil, Thirupparankundram, Madurai District as per the Hindu Rites and Customs. Out of wedlock, a female child, named Janvi, was born on 02.08.2024.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.1409 of 2024 on the file of the Family Court, Madurai seeking dissolution of marriage.

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 child at Cumbum, Theni District under the care of her parents, and she has initiated a Domestic Violence Case in D.V.C.No.30 of 2024 on the file of the Judicial Magistrate, Uthamapalayam, and she has also initiated the proceeding in H.M.O.P. No.114 of 2024 on the file of the Sub Court, Uthamapalayam seeking



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restitution of conjugal rights, and the distance between Cumbum and Madurai is around 230 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 seven month old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.1409 of 2024 from the file of the Family Court, Madurai to the file of the Sub Court, Uthamapalayam to be tried along with H.M.O.P.No.114 of 2024.

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 considering the fact that already two proceedings, initiated by the petitioner/wife, are pending before the Courts at Uthamapalayam, this Court is inclined to allow this petition.



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WEB COPY 9. The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.1409 of 2024, to the file of the Sub Court, Uthamapalayam 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, Sub Court, Uthamapalayam is directed to take the case on file, and try the case along with H.M.O.P.No.114 of 2024, and dispose of both the cases 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.

18.03.2025

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,
Madurai.
- 2.The Sub Court,
Uthamapalayam.

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and
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