



Tr.CMP.(MD)No.43 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.43 of 2025

and

C.M.P.(MD)No.1259 of 2025

Marikutty

.. Petitioner

Vs.

Selvamariyappan

.. Respondent

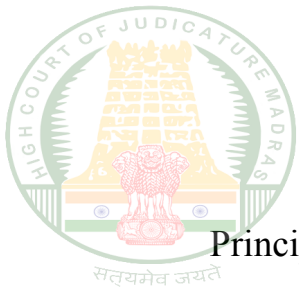
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.207 of 2024 on the file of the Principal Sub Court, Trichy and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.V.Angusamy

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.207 of 2024 on the file of the



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Principal Sub Court, Trichy and transfer the same to the file of the Family

WEB COURT, Tirunelveli.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.01.2022 at Sadhu Chidambara Swamigal Marriage Hall, Thalaiyoothu, Tirunelveli District as per the Hindu Rites and Customs. Out of wedlock, a male child, named Ajay Krishna, was born on 12.03.2023.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a Domestic Violence Case in D.V.C.No.42 of 2024 on the file of the Judicial Magistrate No.III, Tirunelveli seeking compensation. Also, she has initiated a proceeding in M.C.No.61 of 2024 on the file of the Family Court, Tirunelveli seeking maintenance. The respondent/husband has initiated the proceeding in H.M.O.P.No.207 of 2024 on the file of the Principal Sub Court, Trichy seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband



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has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Abisekapatti, Tirunelveli District. The distance between the petitioner's place of residence and Trichy is around 600 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 two year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.207 of 2024 from the file of the Principal Sub Court, Trichy to the file of the Family Court, Tirunelveli.

7. It is well settled proposition of law that whenever 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.



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8. Considering the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Principal Sub Court, Trichy is directed to transmit the entire records pertaining to the case in H.M.O.P.No.207 of 2024 to the file of the Family Court, Tirunelveli 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, Tirunelveli 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 Petition is closed.

13.03.2025

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 Principal Sub Court,
Trichy.
- 2.The Family Court,
Tirunelveli.

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