



Tr.CMP.(MD)No.71 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.71 of 2025

and

C.M.P.(MD)No.1868 of 2025

Seethalakshmi

.. Petitioner

Vs.

Balasubramanian

.. 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.138 of 2024 on the file of the Sub Court, Ambasamudram and transfer the same to the file of the Sub Court, Sankarankovil.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.N.Vignesh

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.138 of 2024 on the file of the Sub Court, Ambasamudram and transfer the same to the file of the Sub Court, Sankarankovil.



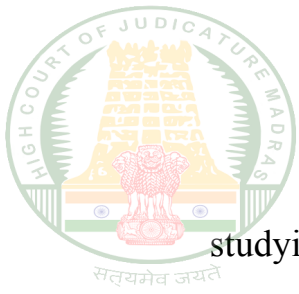
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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.11.2016 at Arulmigu Sankaranarayana Swamy Temple as per the Hindu Rites and Customs. Out of wedlock, a female child, named Divya Sri, was born on 28.08.2017.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.138 of 2024 on the file of the Sub Court, Ambasamudram seeking dissolution of marriage. The petitioner/wife has also initiated a Maintenance Case in M.C.No.33 of 2024 and a Domestic Violence Case in D.V.C.No.1 of 2025 which are pending on the file of the Judicial Magistrate Court, Sankarankovil, Tenkasi District.

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 Sankarankovil Taluk, Tenkasi District under the care of her parents. The petitioner's child is also



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studying at a school, namely Sri Gomathi Ambal Matric Higher Secondary School, in Sankarankovil. The distance between Sankarankovil and Ambasamudram is around 140 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 and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.138 of 2024 from the file of the Sub Court, Ambasamudram to the file of the Sub Court, Sankarankovil.

6. The learned counsel for the respondent has not raised any serious 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 taking into account of the fact that already two proceedings, which were initiated by the petitioner/wife,



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are pending before the Judicial Magistrate Court at Sankarankovil, and also considering the fact that since the transferee Court is also a Sub Court, the personal appearance of both the parties are not necessary for every hearing, this Court is inclined to allow this petition.

9. The learned Judge, Sub Court, Ambasamudram is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.138 of 2024, to the file of the Sub Court, Sankarankovil 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, Sankarankovil 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.

20.03.2025

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 Sub Court,
Ambasamudram.
- 2.The Sub Court,
Sankarankovil, Tenkasi District.

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