



Tr.CMP.(MD)No.53 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.53 of 2025

and

C.M.P.(MD)No.1533 of 2025

Tharani

.. Petitioner

Vs.

N.Vasanthavasan

.. 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.352 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Sub Court, Madurai.

For Petitioner : Mr.K.Vinoharan

For Respondent : Mr.M.I.Javid Akbar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.352 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Sub Court, Madurai.



Tr.CMP.(MD)No.53 of 2025

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.02.2018 at Madurai District as per the Hindu Rites and Customs. Out of wedlock, a male child, named V.Dhruvan Adith, was born on 26.12.2018.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.352 of 2024 on the file of the Sub Court, Poonamallee seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner appeared before this Court and the learned counsel for the respondent appeared through Video Conference.

5. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Achampaththu, Madurai District, and her son is studying at Ashvatha School in Madurai. The distance between Madurai and Poonamallee is around 880 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a



Tr.CMP.(MD)No.53 of 2025

long distance for attending every Court hearing along with the six year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.352 of 2024 from the file of the Sub Court, Poonamallee to the file of the Sub Court, Madurai.

6. The learned counsel for the respondent has raised only formal objection to allow this petition. Further, he submitted that if the proceeding in H.M.O.P.No.352 of 2024 is transferred from the file of the Sub Court at Poonamallee to the file of Sub Court at Madurai, a direction may be given to the learned Subordinate Judge, Madurai to dispose of the case as early as possible.

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 also considering the convenience of the wife, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.53 of 2025

WEB COPY 9. The learned Judge, Sub Court, Poonamallee is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.352 of 2024, to the file of the Principal Sub Court, Madurai 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, Principal Sub Court, Madurai is directed to take the case on file and dispose of the same in accordance with law within a period of six months from the date of receipt of records.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

24.03.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.53 of 2025

P. VADAMALAI, J.

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To

- 1.The Sub Court,
Poonamallee.
- 2.The Principal Sub Court,
Madurai.

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