



Tr.CMP.(MD)No.54 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.54 of 2025

and

C.M.P.(MD)No.1548 of 2025

S.Sindhuja

.. Petitioner

Vs.

S.Radhakrishnan

.. 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.299 of 2024 on the file of the Sub Court, Kumbakonam and transfer the same to the file of the Sub Court, Virudhachalam.

For Petitioner : Mr.J.Anandkumar

For Respondent : Mr.AN.Ramanathan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.299 of 2024 on the file of the Sub Court, Kumbakonam and transfer the same to the file of the Sub Court, Virudhachalam.



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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 15.03.2021 at Sri Appalikoothar Ariyathangam Temple, Thiruppanandal, Thanjavur District as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.299 of 2024 on the file of the Sub Court, Kumbakonam seeking divorce.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner submitted that the petitioner/wife is now residing at Virudhachalam, Cuddalore District. The distance between Virudhachalam and Kumbakonam is around 150 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. Hence, she seeks transfer of proceeding in H.M.O.P.No.299 of 2024 from the file of the Sub Court, Kumbakonam to the file of the Sub Court, Virudhachalam.



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6. The learned counsel for the respondent has filed a counter affidavit

stating that the parents of the petitioner/wife are only residing at Virudhachalam. The petitioner/wife is currently residing at Manalmedu and working as a Teacher in a school, namely Veeta Varsity International School, situated at Manalmedu. The distance between Manalmedu and Kumbakonam is only around 40 Kms, and the distance between Manalmedu and Virudhachalam is around 60 Kms. Since the petitioner is already working at Manalmedu, travelling 40 Kms from Manalmedu to Kumbakonam will not cause any prejudice to her compared to the distance between Manalmedu and Virudhachalam. Hence, he strongly objected to allow this petition.

7. In reply to the contention made by the learned counsel for the respondent, the learned counsel for the petitioner submitted that the petitioner/wife is only working in a private school, and at any point of time, she could lose her job. Insofar as the residence of the petitioner/wife is concerned, the learned counsel for the petitioner submitted that the petitioner/wife is only residing at Virudhachalam, and it is the respondent/husband who himself even admitted the said fact by stating the address of the petitioner/wife as Virudhachalam in his divorce petition.



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WEB COPY 8. 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.

9. 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.

10. The learned Judge, Sub Court, Kumbakonam is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.299 of 2024, to the file of the Principal Sub Court, Virudhachalam 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, Virudhachalam is directed to take the case on file and dispose of the same in accordance with law within a period of nine months from the date of receipt of records.



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WEB COPY 11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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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,
Kumbakonam.
- 2.The Principal Sub Court,
Virudhachalam.

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