



Tr.CMP.(MD)No.61 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.61 of 2025

and

C.M.P.(MD)No.1730 of 2025

M.Aarthi

.. Petitioner

Vs.

1.M.Muthuselvam

2.V.Madhavan

.. Respondents

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.1589 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Pattukottai.

For Petitioner : Mr.T.Leninkumar

For R1 : Mr.S.M.Kadhar

For R2 : No Appearance, Given up



Tr.CMP.(MD)No.61 of 2025

WEB COPY

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1589 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Pattukottai.

2. The petitioner is the wife, the 1st respondent is the husband and the 2nd respondent is the neighbour of the 1st respondent. The marriage between the petitioner and the 1st respondent was solemnized on 12.09.2018 at Sri Meenakshi Thirumana Mahal, Madurai as per the Hindu Rites and Customs. Out of wedlock, a female child, named Shashtika Sri, was born on 11.10.2021.

3. Due to disputes and differences, the parties have separated, and the 1st respondent/husband has initiated the proceeding in H.M.O.P.No.1589 of 2024 on the file of the Family Court, Madurai seeking divorce.

4. The name of the 2nd respondent has been printed in the cause list. A memo has already been filed by the learned counsel for the petitioner to



Tr.CMP.(MD)No.61 of 2025

given up as against the 2nd respondent as he is not a necessary party to the proceeding.

5. Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Pappanadu, Thanjavur District under the care of her parents. The distance between the petitioner's place of residence and Madurai is around 400 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 three year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.1589 of 2024 from the file of the Family Court, Madurai to the file of the Sub Court, Pattukottai.

7. The learned counsel for the 1st respondent has filed a counter affidavit raising strong objection to allow this petition, and would submit that the petitioner is living with the 2nd respondent. Further, he would submit that if the proceeding in H.M.O.P. No.1589 of 2024 is transferred



Tr.CMP.(MD)No.61 of 2025

from the file of the Family Court, Madurai to the file of the Sub Court, Pattukottai, some time frame may be given to the learned Subordinate Judge, Pattukottai to dispose of the case.

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, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.1589 of 2024, to the file of the Sub Court, Pattukottai 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, Pattukottai is directed to take the case on file and dispose of the same in accordance with law within a period of five months from the date of receipt of records.



Tr.CMP.(MD)No.61 of 2025

WEB COPY 11. 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
mkn



WEB COPY



Tr.CMP.(MD)No.61 of 2025

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Madurai.

2.The Sub Court,
Pattukottai.

Tr.CMP.(MD)No.61 of 2025
and
C.M.P.(MD)No.1730 of 2025

13.03.2025