



Tr.CMP.(MD)No.67 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.67 of 2025

and

C.M.P.(MD)No.1806 of 2025

S.Malathi

.. Petitioner

Vs.

B.Prabhu

.. 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.91 of 2024 on the file of the Sub Court, Aranthangi and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.V.Sri Balaji
for M/s.Vastlaw Associates

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.91 of 2024 on the file of the Sub Court, Aranthangi and transfer the same to the file of the Family Court, Madurai.



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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 27.01.2010 at Chennai as per the Hindu Rites and Customs. Out of wedlock, a male child, named Kavin, was born on 30.09.2010.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.91 of 2024 on the file of the Sub Court, Aranthangi seeking divorce.

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

5. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Madurai District, and her child is studying at Indian Public School in Madurai. The distance between Madurai and Aranthangi is around 240 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 fourteen year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.91 of 2024



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from the file of the Sub Court, Aranthangi to the file of the Family Court,

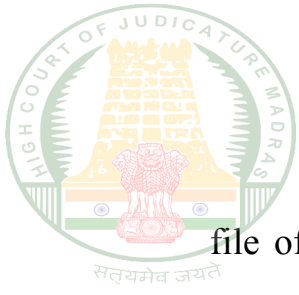
WEB.COM Madurai.

6. The learned counsel for the respondent has filed a counter affidavit by raising strong objection to allow this petition. Further, he prays this Court to transfer the proceeding in H.M.O.P.No.91 of 2024 from the file of the Sub Court, Aranthangi to the file of any Court at Melur or to any Court near to Madurai.

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.

9. The learned Judge, Sub Court, Aranthangi is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.91 of 2024, to the



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file of the Family Court, Madurai within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Madurai 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.

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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P. VADAMALAI, J.

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To

1.The Sub Court,
Aranthangi.

2.The Family Court,
Madurai.

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and
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