



Tr.CMP.(MD)No.69 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.69 of 2025

and

C.M.P.(MD)No.1815 of 2025

Seethalakshmi

.. Petitioner

Vs.

S.Sarvanakumar

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in I.A.No.1 of 2024 in Unnumbered H.M.O.P. of 2024 on the file of the Sub Court, Rajapalayam and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.P.Pratheesh

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in I.A.No.1 of 2024 in Unnumbered H.M.O.P. of 2024 on the file of the Sub Court, Rajapalayam 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 19.05.2024 at Arulmigu Subramania Swamy Temple, Tirupparankundram, Madurai District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in I.A.No.1 of 2024 in Unnumbered H.M.O.P. of 2024 on the file of the Sub Court, Rajapalayam seeking special permission to file divorce application within a period of one year from the solemnization of marriage.

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 at Achampaththu, Madurai District, and is working as a Teacher at Madurai Nadar Uravinmurai Jayaraj Annapackiam Matriculation Higher Secondary School, Madurai. The distance between the petitioner's place of residence and Rajapalayam is around 300 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such



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a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in I.A.No.1 of 2024 in Unnumbered H.M.O.P. of 2024 from the file of the Sub Court, Rajapalayam to the file of the Family Court, Madurai.

6. The learned counsel for the respondent submitted that since the transferor Court is a Sub Court, the proceeding in I.A.No.1 of 2024 in Unnumbered H.M.O.P. of 2024 may be transferred from the file of the Sub Court, Rajapalayam to the file of any of the Sub Court at Madurai, where the presence of either party is necessary only for indispensable hearings, for which the learned counsel for the petitioner has not raised any objection.

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 also considering the fact that both the parties have consented for the transfer of proceeding in I.A.No.1 of



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2024 in Unnumbered H.M.O.P. of 2024 from the file of the Sub Court, Rajapalayam to the file of any of the Sub Court at Madurai, this Court is inclined to allow this petition.

9. The learned Judge, Sub Court, Rajapalayam is directed to transmit the entire records pertaining to the case, in I.A.No.1 of 2024 in Unnumbered H.M.O.P. of 2024, to the file of the III Additional 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, III Additional Sub Court, Madurai 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.

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,
Rajapalayam.
- 2.The III Additional Sub Court,
Madurai.

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