



Tr.CMP.(MD)No.70 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.70 of 2025

and

C.M.P.(MD)No.1821 of 2025

Anitha

.. Petitioner

Vs.

Rengarajan

.. 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.22 of 2023 on the file of the Family Court, Mannargudi and transfer the same to the file of the Principal Sub Court, Pudukkottai.

For Petitioner : Ms.A.Banumathy

For Respondent : Mr.S.Arunachalam

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.22 of 2023 on the file of the Family Court, Mannargudi and transfer the same to the file of the Principal Sub Court, Pudukkottai.



Tr.CMP.(MD)No.70 of 2025

WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.10.2017 at Pudukkottai District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in H.M.O.P.No.27 of 2023 on the file of the Principal Sub Court, Pudukkottai seeking divorce. The respondent/husband has initiated the proceeding in H.M.O.P.No.22 of 2023 on the file of the Family Court, Mannargudi seeking restitution of conjugal rights.

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

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing at Kallalangudi Village, Pudukkottai District under the care of her parents. The distance between Pudukkottai and Mannargudi is around 96 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court



Tr.CMP.(MD)No.70 of 2025

hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.22 of 2023 from the file of the Family Court, Mannargudi to the file of the Principal Sub Court, Pudukkottai.

6. The learned counsel for the respondent would submit that the respondent/husband has no objection to allow this petition. Further, he would pray that some time frame may be given to the learned Principal Subordinate Judge, Pudukkottai to dispose of the case.

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, Family Court, Mannargudi is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.22 of



Tr.CMP.(MD)No.70 of 2025

2023, to the file of the Principal Sub Court, Pudukkottai 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, Pudukkottai is directed to take the case on file and dispose of the case in accordance with law within a period of five 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.

06.03.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
mkn



WEB COPY



Tr.CMP.(MD)No.70 of 2025

P. VADAMALAI, J.

mkn

To

- 1.The Family Court,
Mannargudi.
- 2.The Principal Sub Court,
Pudukkottai.

Tr.CMP.(MD)No.70 of 2025
and
C.M.P.(MD)No.1821 of 2025

06.03.2025