

Tr.CMP.(MD)No.77 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.77 of 2025

and

C.M.P.(MD)No.1923 of 2025

Gowsalya

.. Petitioner

Vs.

Arunkumar

.. Respondent

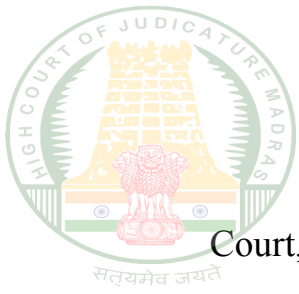
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.76 of 2024 on the file of the Sub Court, Tiruchendur, Thoothukudi District and transfer the same to the file of the Sub Court, Dharapuram.

For Petitioner : Mr.C.Saravanakumar

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.76 of 2024 on the file of the Sub



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Court, Tiruchendur and transfer the same to the file of the Sub Court,
Dharapuram.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.09.2022 at Idachivilai Village, Thisayanvilai as per the Hindu Rites and Customs. Out of wedlock, a male child, named Jiviz, was born on 09.11.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.76 of 2024 on the file of the Sub Court, Tiruchendur seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



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WEB COPY 6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Dharapuram Taluk, Tiruppur District under the care of her parents. The distance between Dharapuram and Tiruchendur is around 606 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 one year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.76 of 2024 from the file of the Sub Court, Tiruchendur to the file of the Sub Court, Dharapuram.

7. It is well settled proposition of law that whenever 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 facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this petition.



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9. The learned Judge, Sub Court, Tiruchendur is directed to transmit

the entire records pertaining to the case in H.M.O.P.No.76 of 2024 to the file of the Sub Court, Dharapuram 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, Dharapuram 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.

03.03.2025

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,
Tiruchendur, Thoothukudi District.
- 2.The Sub Court,
Dharapuram, Tiruppur District.

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and
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