



Tr.CMP.(MD)No.84 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.84 of 2025

and

C.M.P.(MD)No.2063 of 2025

Kanimozhi

.. Petitioner

Vs.

Sengottaiyan

.. 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.191 of 2024 on the file of the Principal Sub Court, Kallakurichi and transfer the same to the file of the Sub Court, Thoothukudi.

For Petitioner : Mr.V.Selvakumar

For Respondent : Mr.V.Nirmal Kumar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.191 of 2024 on the file of the Principal Sub Court, Kallakurichi and transfer the same to the file of the Sub Court, Thoothukudi.



Tr.CMP.(MD)No.84 of 2025

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.09.2019 at Subramaniya Swamy Temple, Tiruchendur as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.191 of 2024 on the file of the Principal Sub Court, Kallakurichi seeking divorce.

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 Subramaniyapuram, Vilathikulam Taluk, Thoothukudi District. The distance between the petitioner's place of residence and Kallakurichi is around 800 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. Hence, she seeks transfer of proceeding in H.M.O.P.No.191 of 2024 from the file of the Principal Sub Court, Kallakurichi to the file of the Sub Court, Thoothukudi.



Tr.CMP.(MD)No.84 of 2025

WEB COPY 6. The learned counsel for the respondent has filed a counter affidavit by raising strong objection to allow this petition. Further, he submits that the respondent is presently working at Chinnasalem in Kallakurichi District, and he requests this Court that by considering the convenience of both the parties, the proceeding in H.M.O.P.No.191 of 2024 may be transferred from the file of the Principal Sub Court, Kallakurichi to the file of any of the Court between Kallakurichi and Thoothukudi.

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 taking into account of the fact that since the transferee Court is a Sub Court, the personal appearance of both the parties is necessary only for indispensable hearings and not for every hearing, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.84 of 2025

9. The learned Judge, Principal Sub Court, Kallakurichi is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.191 of 2024, to the file of the Sub Court, Thoothukudi 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, Thoothukudi is directed to take the case on file and dispose of the same in accordance with law within a period of six 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.

25.03.2025

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



WEB COPY



Tr.CMP.(MD)No.84 of 2025

P. VADAMALAI, J.

mkn

To

- 1.The Principal Sub Court,
Kallakurichi.
- 2.The Sub Court,
Thoothukudi.

Tr.CMP.(MD)No.84 of 2025
and
C.M.P.(MD)No.2063 of 2025

25.03.2025