



Tr.C.M.P(MD)No.94 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.04.2025

Pronounced on : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.94 of 2025

and

C.M.P(MD)No.2282 of 2025

Rakshitha

... Petitioner

Vs.

Vignesh

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.11 of 2025 on the file of the Sub Court, Arupukkottai, Virudhunagar District and transfer the same to the Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.S.Prabhu

For Respondent : Mr.S.Selva Aditya



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking an order to withdraw H.M.O.P.No.11 of 2025 from the file of the Sub Court, Aruppukkottai and to transfer the same to the file of the Sub Court, Thirumangalam.

2. The petitioner and the respondent are spouses. Their marriage was solemnized on 25.10.2023 as per Hindu rites and customs at Thirumangalam. Out of wedlock, a child was born on 25.07.2024. Due to misunderstanding between them, they are living separately. It is further alleged that the petitioner was forced to leave the matrimonial house and she is now residing with her parents at Thirumangalam. Thereafter, the respondent filed the petition in H.M.O.P.No.11 of 2025 before the Sub Court, Aruppukkottai, for divorce.

3. The learned counsel for the petitioner has submitted that as the respondent and his family members have compelled the petitioner to go back her parental home and started harassment, the petitioner was constrained to leave the matrimonial home. The petitioner is now residing with her parents along with 6 months old child. She finds it very difficult to attend the Court at Aruppukkottai from Thirumangalam. The convenience of the wife is the paramount consideration in the case of transfer petition in matrimonial disputes.



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In the above circumstances, the petitioner has filed this present Transfer Civil

WEB C.M.P. Miscellaneous Petition.

4. The learned counsel for the respondent filed a counter and objected the petition. He further submitted that the petitioner's family is an influential family in Thirumangalam. Moreover, the paternal uncle and the relatives of the petitioner are practicing advocates in the Thirumangalam Courts and hence, the respondent apprehends. He has no objection to transfer the case to Virudhunagar Sub Court. In reply, the learned counsel for the petitioner has also conceded for the submission made by the respondent side and raised no objection to transfer the case to Sub Court, Virudhunagar.

5. I have heard the submissions of both side and also perused the records. It is not disputed that the parties are legally wedded spouses and out of wedlock they have been blessed with a child. Due to misunderstanding, they are living separately. It is well settled proposition of law by the number of decisions of the Hon'ble Supreme Court 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. Though the petitioner is now residing with her parents at Thirumangalam, during the course



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of arguments both sides admitted that the H.M.O.P.No.11 of 2025 may be

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transferred to the Sub Court, Virudhunagar from the Sub Court, Aruppukkottai as they feel convenience at Virudhunagar. The admission of both sides has been taken note of. Further, in Sub Courts, the appearance of parties is not necessary on all hearings like the Family Court. Therefore, considering the convenience of both parties and other circumstances, this Court is of the view that the present petition filed by the wife is to be allowed, accordingly.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.11 of 2025 on the file of the Sub Court, Aruppukkottai, is hereby withdrawn and transferred to the file of the Sub Court, Virudhunagar, for disposal in accordance with law. The learned Sub Judge, Aruppukkottai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.11 of 2025 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

- 1.The Sub Court,
Aruppukkottai.
- 2.The Sub Court,
Virudhunagar,
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.94 of 2025
and
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