

Tr.CMP.(MD)No.103 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.103 of 2025

and

C.M.P.(MD)No.2519 of 2025

Madhubala

.. Petitioner

Vs.

Manikandan

.. 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.155 of 2022 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Mr.D.Venkatachalam

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.155 of 2022 on the file of the Sub Court, Melur and transfer the same to the file of the Family Court, Sivagangai.



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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 05.02.2018 at Thirumalai Malaikoluntheeswarar Temple, Sivagangai 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 H.M.O.P.No.155 of 2022 on the file of the Sub Court, Melur seeking divorce. The petitioner/wife has also initiated proceedings on the file of the Family Court, Sivagangai in O.P.No.26 of 2025 seeking restitution of conjugal rights and M.C.No.8 of 2024 seeking maintenance.

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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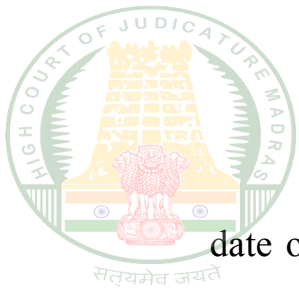
6. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Kezhavaniyankudi, Sivagangai District.

The distance between the petitioner's place of residence and Melur is around 70 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.155 of 2022 from the file of the Sub Court, Melur to the file of the Family Court, Sivagangai.

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 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, Sub Court, Melur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.155 of 2022 to the file of the Family Court, Sivagangai within a period of three weeks from the



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date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Sivagangai 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.

25.04.2025

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,
Melur.

2.The Family Court,
Sivagangai.

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and

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