



Tr.CMP.(MD)No.106 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.106 of 2025

and

C.M.P.(MD)No.2584 of 2025

Durga

.. Petitioner

Vs.

Venugopalan

.. 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.111 of 2024 on the file of the Sub Court, Sirkali and transfer the same to the file of the Principal Sub Court, Kumbakonam.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.S.Shankar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.111 of 2024 on the file of the Sub Court, Sirkali and transfer the same to the file of the Principal Sub Court, Kumbakonam.



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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 12.02.2023 at Sri Saratha Ayyaru Thirumana Mandapam, Vaitheeshwarankovil, Mayiladuthurai District 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.111 of 2024 on the file of the Sub Court, Sirkali seeking divorce. The petitioner/wife has initiated a proceeding in M.C.No.2 of 2024 on the file of the Chief Judicial Magistrate, Kumbakonam seeking maintenance and also a Domestic Violence Case in D.V.C.No.5 of 2024 on the file of the Judicial Magistrate No.I, Kumbakonam.

4. Heard the learned counsel for the petitioner appeared before this Court and the learned counsel for the respondent appeared through Video Conference.



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5. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Kumbakonam, Thanjavur District under the care of her parents, and is now working in a private college. The distance between Kumbakonam and Sirkali is around 120 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. Further, he submits that the respondent and his family members are highly influential persons. If she enters the Sub Court at Sirkali, there would be life threat to the petitioner/wife by her husband. Hence, she seeks transfer of proceeding in H.M.O.P.No.111 of 2024 from the file of the Sub Court, Sirkali to the file of the Principal Sub Court, Kumbakonam.

6. The learned counsel for the respondent submits that the grounds raised in the petition are not sustainable. There is no life threat for her at Sirkali. Solely based on assumption, she has stated that there is a life threat to her. Moreover, she did not appear before the Sub Court, Sirkali even for a single hearing. Since the petitioner/wife is an educated lady, she can very well travel from Kumbakonam to Sirkali. The allegations stated in the present petition are purely imaginary. Hence, he prays this Court to dismiss this petition.



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WEB COPY 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 considering the fact that already two proceedings, initiated by the petitioner/wife, are pending before the Courts at Kumbakonam, this Court is inclined to allow this petition.

9. The learned Judge, Sub Court, Sirkali is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.111 of 2024, to the file of the Principal Sub Court, Kumbakonam 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, Kumbakonam is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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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,
Sirkali, Mayiladuthurai District.
- 2.The Principal Sub Court,
Kumbakonam, Thanjavur District.

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