

Tr.C.M.P(MD)No.105 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.04.2025

Pronounced on : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.105 of 2025

and

C.M.P(MD)No.2559 of 2025

V.Mahalakshmi

... Petitioner

Vs.

M.Ramachandran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.7 of 2025 on the file of the Principal Sub Court, Tiruchirappalli and transfer the same to the Principal Sub Court, Pudukkottai.

For Petitioner : Mr.D.Ramesh Kumar

For Respondent : Mr.K.S.Kathiravan



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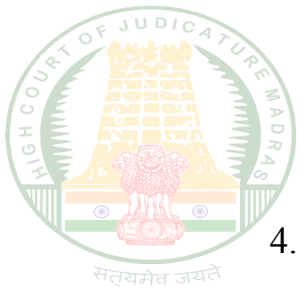
ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the H.M.O.P.No.7 of 2025 on the file of the Principal Sub Court, Trichirappalli and to transfer the same to the file of the Principal Sub Court, Pudukkottai.

2. The petitioner is the wife of the respondent. Their marriage was solemnized on 20.10.2023 as per Hindu rites and rituals. Due to misunderstanding, the petitioner and the respondent are living separately. It is alleged that due to physical and mental torture, the petitioner was forced to leave the matrimonial home. The respondent has filed the petition in HMOP.No.7 of 2025 before the Principal Sub Court, Tiruchirappalli against the petitioner for divorce. The petitioner is residing at Pudukkottai District. Hence, the petition is filed.

3. The learned counsel for the petitioner has submitted that the petitioner, being female, is facing difficulty in travelling to Tiruchirappalli to conduct the case. Moreover, the respondent is an influential person in his locality. In case of transfer, the respondent would not be prejudiced. So, the petition may be allowed.



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4. Per contra, the learned counsel for the respondent filed a counter and objected the petition. The learned counsel further submitted that the petitioner has to reach the Court at Pudukottai by boarding three buses, whereas she can reach Trichirappalli by boarding a single bus. The petitioner has filed this petition to harass the respondent. Therefore, the petition may be dismissed.

5. The arguments put forth by both sides considered, and the records perused. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately. In such circumstances, the respondent filed the petition for divorce. The fact remains that the petitioner is living along with her parents in her native place and she states inconvenience to attend the Court at Trichirappalli. It is well settled proposition of law by the Hon'ble Supreme Court in a catena of cases 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.

6. According to the respondent, he will not be prejudiced if the case is transferred to Pudukottai. Moreover, the petitioner seeks to transfer the case to the Sub Court, Pudukottai from the Sub Court, Trichy. Therefore, the



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presence of parties before the Sub Court in all hearings need not be necessary, except material hearing or direction of the Court. Therefore, taking note of the settled position of the convenience of the wife in matrimonial cases and also considering the submissions of both sides, this Court is inclined to allow this petition.

7. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.7 of 2025 on the file of the Principal Sub Court, Tiruchirappalli, is hereby withdrawn and transferred to the file of the Principal Sub Court, Pudukkottai for disposal in accordance with law. The learned Principal Subordinate Judge, Tiruchirappalli, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.7 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 Civil Miscellaneous Petition is closed.

17.06.2025

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



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To

- 1.The Principal Sub Court,
Tiruchirappalli.
- 2.The Principal Sub Court,
Pudukkottai.
- 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.105 of 2025
and
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