



Tr.CMP.(MD)No.175 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.175 of 2025

and

C.M.P.(MD)No.4312 of 2025

Chandrakala

.. Petitioner

Vs.

P.Karuppasamy

.. 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.180 of 2024 on the file of the Sub Court, Sivakasi and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.W.Pamelin

For Respondent : Mr.S.Selvakrishnan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.180 of 2024 on the file of the Sub Court, Sivakasi and transfer the same to the file of the Family Court, Madurai.



Tr.CMP.(MD)No.175 of 2025

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 02.06.2014 at Devar Thirumana Mahal, T.Kottaiyur as per the Hindu Rites and Customs. Out of wedlock, two female child, namely Suhashini and Lithika, were born on 10.07.2015 and 21.03.2018 respectively.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.180 of 2024 on the file of the Sub Court, Sivakasi seeking restitution of conjugal rights.

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 residing with her children in her parental home at K.Pudur, Madurai District. The distance between K.Pudur and Sivakasi is around 180 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



Tr.CMP.(MD)No.175 of 2025

WEB COPY

hearing along with two children. Hence, she seeks transfer of proceeding in H.M.O.P.No.180 of 2024 from the file of the Sub Court, Sivakasi to the file of the Family Court, Madurai.

6. The learned counsel for the respondent has raised strong objection to allow this petition.

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 also considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Sub Court, Sivakasi is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.180 of 2024, to the file of the Family Court, Madurai 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



Tr.CMP.(MD)No.175 of 2025

Judge, Family Court, Madurai 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.

16.04.2025

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



WEB COPY



Tr.CMP.(MD)No.175 of 2025

P. VADAMALAI, J.

mkn

To

1.The Sub Court,
Sivakasi.

2.The Family Court,
Madurai.

Tr.CMP.(MD)No.175 of 2025

and

C.M.P.(MD)No.4312 of 2025

16.04.2025