



Tr.CMP.(MD)No.127 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.127 of 2025

and

C.M.P.(MD)No.2986 of 2025

C.B.Sivakumari @ Pavithra

.. Petitioner

Vs.

M.K.Karthick Chidambaram

.. 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.33 of 2025 on the file of the Family Court, Tirunelveli and transfer the same to the file of the Family Court, Nagercoil.

For Petitioner : Mr.K.Prabhakar

For Respondent : Mr.S.Kumar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.33 of 2025 on the file of the Family Court, Tirunelveli and transfer the same to the file of the Family Court, Nagercoil.



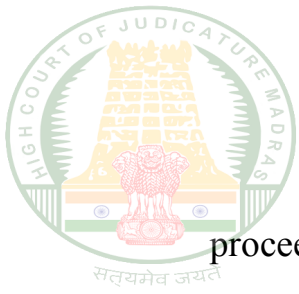
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WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.12.2022 at Nagercoil as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.33 of 2025 on the file of the Family Court, Tirunelveli seeking divorce. The petitioner/wife has initiated a proceeding in H.M.O.P.No.48 of 2025 on the file of the Family Court, Nagercoil 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 now residing at Kanyakumari District. The distance between Kanyakumari and Tirunelveli is around 170 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



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proceeding in H.M.O.P.No.33 of 2025 from the file of the Family Court,
Tirunelveli to the file of the Family Court, Nagercoil.

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6. The learned counsel for the respondent has filed a counter affidavit by raising 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 considering the convenience of the wife, and also taking into account of the fact that already a proceeding, which was initiated by the petitioner/wife, is pending before the Family Court at Nagercoil, this Court is inclined to allow this petition.

9. The learned Judge, Family Court, Tirunelveli is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.33 of 2025, to the file of the Family Court, Nagercoil within a period of two



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weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Nagercoil is directed to take the case on file and try the case along with H.M.O.P.No.48 of 2025 and dispose of both the cases 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.

04.04.2025

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 Family Court,
Tirunelveli.

2.The Family Court,
Nagercoil.

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