



Tr.CMP.(MD)No.120 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.120 of 2025

and

C.M.P.(MD)No.2838 of 2025

Sathya

.. Petitioner

Vs.

Rajakumar

.. 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.8 of 2025 on the file of the Sub Court, Nagapattinam and transfer the same to the file of the Sub Court, Manamadurai.

For Petitioner : Mr.V.Karthick Raja

For Respondent : Mr.K.Rajeshwaran

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.8 of 2025 on the file of the Sub Court, Nagapattinam and transfer the same to the file of the Sub Court, Manamadurai.



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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 13.09.2008 at Santhana Mariyamman Temple, Kariyapattinam, Vedaranyam, Nagapattinam District as per the Hindu Rites and Customs. Out of wedlock, a male child, named Tharun Raj, was born on 03.10.2012.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.8 of 2025 on the file of the Sub Court, Nagapattinam 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 child in her parental home at Sivagangai District, and her child is studying 7th standard in a school, namely Arulmigu Thandeeswarar Matriculation School, at Sivagangai District. The distance between the petitioner's place of residence and Nagapattinam is around 550



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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 along with the twelve and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.8 of 2025 from the file of the Sub Court, Nagapattinam to the file of the Sub Court, Manamadurai.

6. The learned counsel for the respondent has filed counter affidavit by raising strong objection to allow this petition. Further, he submits that if the proceeding in H.M.O.P.No.8 of 2025 is transferred to the file of the Sub Court at Manamadurai, the respondent/husband would have to face a life threat there from the family members of the petitioner/wife. Hence, he requests this Court that the proceeding in H.M.O.P.No.8 of 2025 may be transferred from the file of the Sub Court, Nagapattinam to the file of any Court between Nagapattinam and Manamadurai.

7. In reply, the learned counsel for the petitioner submits that no such threat is there for the respondent/husband at Manamadurai. Further, he requests this Court that instead of Sub Court at Manamadurai, the proceeding in H.M.O.P.No.8 of 2025 may be transferred to the file of any of the Sub Court at Madurai, where the presence of either party is necessary



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only for indispensable hearings, for which the learned counsel for the respondent has not raised any objection.

8. 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.

9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the submissions made by the learned counsel appearing on either side, this Court is inclined to allow this petition.

10. The learned Judge, Sub Court, Nagapattinam is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.8 of 2025, to the file of the III Additional Sub 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 Judge, III Additional Sub Court, Madurai 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 11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

21.04.2025

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,
Nagapattinam.
- 2.The III Additional Sub Court,
Madurai.

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