



Tr.CMP.(MD)No.129 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.129 of 2025

and

C.M.P.(MD)No.2993 of 2025

Jeyasudha

.. Petitioner

Vs.

Surendhirakumar

.. 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.1675 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Sattur.

For Petitioner : Mr.P.Ponraj

For Respondent : Mr.C.Masilamani

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1675 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Sattur.



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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 22.08.2024 at Gopalsamy Kalyana Mandabam, Madurai District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.1675 of 2024 on the file of the Family Court, Madurai 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 at Sippiparai, Vembakottai Taluk, Virudhunagar District under the care of her parents. The distance between Sippiparai and Madurai is around 230 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 proceeding in H.M.O.P.No.1675



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of 2024 from the file of the Family Court, Madurai to the file of the Sub Court, Sattur.

6. The learned counsel for the respondent has filed counter affidavit, along with the typed set of papers, raising strong objection to this petition. He further submits that instead of Sub Court at Sattur, the proceeding in H.M.O.P.No.1675 of 2024 may be transferred from the file of the Family Court at Madurai to the file of the any other Court between Madurai and Sattur, preferably Sub Court at Virudhunagar.

7. The learned counsel for the petitioner has also acceded to the said submission made by the learned counsel for the respondent, but requests this Court to direct the respondent/husband to bear the travel expenses incurred to the petitioner/wife on her every physical appearance before the Sub Court at Virudhunagar.

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.



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WEB COPY 9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the fact that both the parties have consented for the transfer of proceeding in H.M.O.P.No.1675 of 2024 from the file of the Family Court at Madurai to the file of the Sub Court at Virudhunagar, this Court is inclined to allow this petition.

10. The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.1675 of 2024, to the file of the Sub Court, Virudhunagar 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, Sub Court, Virudhunagar is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

11. Accordingly, the respondent/husband is hereby directed to pay a sum of Rs.500/- (Rupees Five Hundred only) to the petitioner/wife on her every physical appearance before the Sub Court at Virudhunagar.



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WEB COPY 12. With the above direction, this Transfer Civil Miscellaneous
Petition stands allowed. No costs. Consequently, the connected Civil
Miscellaneous Petition is closed.

28.04.2025

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,
Madurai.

2.The Sub Court,
Virudhunagar.

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and

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