



Tr.CMP.(MD)No.133 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.133 of 2025

and

C.M.P.(MD)No.3117 of 2025

Subha

.. Petitioner

Vs.

Jaya Ganesh

.. 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.137 of 2023 on the file of the Sub Court, Ambasamudram and transfer the same to the file of the Sub Court, Sankarankovil to be tried along with H.M.O.P.No.118 of 2024.

For Petitioner : Mr.A.L.Kannan

For Respondent : Mr.N.Vignesh

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.137 of 2023 on the file of the Sub Court, Ambasamudram and transfer the same to the file of the Sub Court, Sankarankovil to be tried along with H.M.O.P.No.118 of 2024.



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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 10.11.2021 at Kasinathaswamy Maragathambigai Temple, Ambasamudram. Out of wedlock, a female child, named Kanishka, was born on 03.02.2023.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.137 of 2023 on the file of the Sub Court, Ambasamudram seeking divorce. Thereafter, the petitioner/wife has initiated the proceeding in H.M.O.P. No.118 of 2024 on the file of the Sub Court, Sankarankovil 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 at Sankarankovil, Tenkasi District under the care of her parents, and her child is suffering with heart ailments,



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and the child is under medical care. The distance between Sankarankovil and Ambasamudram is around 140 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 two year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.137 of 2023 from the file of the Sub Court, Ambasamudram to the file of the Sub Court, Sankarankovil to be tried along with H.M.O.P.No.118 of 2024.

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.



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WEB COPY 9. The learned Judge, Sub Court, Ambasamudram is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.137 of 2023, to the file of the Sub Court, Sankarankovil 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, Sankarankovil is directed to take the case on file, and try the case along with H.M.O.P.No.118 of 2024, 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.

02.04.2025

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,
Ambasamudram.

2.The Sub Court,
Sankarankovil.

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and

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