



Tr.CMP.(MD)No.134 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.134 of 2025

and

C.M.P.(MD)No.3156 of 2025

Krishnaveni

.. Petitioner

Vs.

M.Prabhakaran

.. 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.358 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Sub Court, Paramakudi.

For Petitioner : Mr.V.Navaneethakrishnan

For Respondent : Mr.V.Balasubramanian

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.358 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Sub Court, Paramakudi.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.06.2022 at Asma Mahal, Vathalakundu, Dindigul District 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 a proceeding in H.M.O.P.No.358 of 2024 on the file of the Sub Court, Poonamallee seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner appeared before this Court and the learned counsel for the respondent appeared through Video Conference.

5. The learned counsel for the petitioner submits that the petitioner/wife is residing at Paramakudi Taluk, Ramanathapuram District under the care of her parents. The distance between Paramakudi and Poonamallee is around 1200 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



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H.M.O.P.No.358 of 2024 from the file of the Sub Court, Poonamallee to the file of the Sub Court, Paramakudi.

6. The learned counsel for the respondent submits that instead of Sub Court at Paramakudi, the proceeding in H.M.O.P.No.358 of 2024 may be transferred from the file of the Sub Court, Poonamallee to the file of any other Court between Poonamallee and Paramakudi, preferably any competent Court at Trichy.

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 considering the fact that since the transferee Court is a Sub Court, the personal appearance of both the parties are not necessary for every hearing, this Court is inclined to allow this petition.



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9. The learned Judge, Sub Court, Poonamallee is directed to transmit

the entire records, pertaining to the case in H.M.O.P.No.358 of 2024, to the file of the Sub Court, Paramakudi 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, Paramakudi 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.

29.04.2025

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,
Poonamallee.
- 2.The Sub Court,
Paramakudi.

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