



Tr.C.M.P(MD)No.146 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.146 of 2025

and

C.M.P(MD)No.3559 of 2025

H.Shalini

... Petitioner

Vs.

L.Hariragavan

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to pass an order to withdraw the case in H.M.O.P.No.27 of 2025 on the file of the Principal Sub Court, Kumbakonam and transfer the same to the file of the Family Court, Dindigul.

For Petitioner : Mr.K.R.Manimaran

For Respondent : No Appearance



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ORDER

WEB COPY The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.27 of 2025 from the file of the Principal Sub Court, Kumbakonam and transfer the same to the file of the Family Court, Dindigul.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 20.10.2023 at Sri Subramanian Thirukovil, Natham Road, Kullanampatti, Dindigul District as per Hindu rites and customs. Out of wedlock, they have no child. Due to misunderstanding between the parties, they have separated and the respondent/husband has filed a petition in H.M.O.P.No.27 of 2025 before the Principal Subordinate Court, Kumbakonam, for restitution of conjugal rights.

3. Heard the learned counsel for the petitioner. Eventhough the respondent's name was printed in the cause list, none appeared for the respondent.

4. The learned counsel for the petitioner submitted that the petitioner is residing at Dindigul. The distance between the petitioner's place of residence



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and Kumbakonam is more than 200 km, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance to attend every Court hearing at Kumbakonam. Hence, she seeks to transfer the case as prayed for.

5. Submissions of the petitioner's side considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent/husband filed the petition before the Principal Subordinate Court, Kumbakonam, for restitution of conjugal rights. 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. Considering the facts and circumstances of the case and also considering the convenience of the petitioner/wife, this Court is inclined to allow this petition.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The learned Principal Sub Judge, Kumbakonam, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.27 of 2025 to the file of the Family Court, Dindigul, within a period of three weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Judge, Family Court, Dindigul, is directed to take the case on file and dispose of the same as



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expeditiously as possible in accordance with law. No costs. Consequently, the

connected Civil Miscellaneous Petition is closed.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

1. The Principal Sub Court,
Kumbakonam.
- 2.The Family Court,
Dindigul.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Order made in
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26.03.2025