



Tr.CMP.(MD)No.151 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.151 of 2025

and

C.M.P.(MD)No.3794 of 2025

A.Umashankari

.. Petitioner

Vs.

K.Kalanithi

.. 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.244 of 2024 on the file of the Additional Sub Court, Kumbakonam and transfer the same to the file of the Principal Sub Court, Tiruchirappalli.

For Petitioner : M/s.M.Bhuvana Hari Hara Nathan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.244 of 2024 on the file of the Additional Sub Court, Kumbakonam and transfer the same to the file of the Principal Sub Court, Tiruchirappalli.



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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 20.06.2019 at Sri Appali Koothar Ariyathangam Thirukovil, Ariyalur District as per the Hindu Rites and Customs. Out of wedlock, a female child was born on 14.10.2021.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated a proceeding in H.M.O.P.No.169 of 2024 on the file of the Principal Sub Court, Tiruchirappalli seeking divorce. The respondent/husband has initiated the proceeding in H.M.O.P.No.244 of 2024 on the file of the Additional Sub Court, Kumbakonam seeking restitution of conjugal rights.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.



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WEB COPY 6. The learned counsel for the petitioner submits that the petitioner/wife is now residing with her child at Tiruchirappalli District under the care of her parents. The distance between Tiruchirappalli and Kumbakonam is around 190 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 three year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.244 of 2024 from the file of the Additional Sub Court, Kumbakonam to the file of the Principal Sub Court, Tiruchirappalli.

7. It is well settled proposition of law that whenever 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 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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9. The learned Judge, Additional Sub Court, Kumbakonam is directed

to transmit the entire records pertaining to the case in H.M.O.P.No.244 of 2024 to the file of the Principal Sub Court, Tiruchirappalli 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, Principal Sub Court, Tiruchirappalli 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.

27.03.2025

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 Additional Sub Court,
Kumbakonam.
- 2.The Principal Sub Court,
Tiruchirappalli.

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