



Tr.CMP.(MD)No.174 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.174 of 2025

and

C.M.P.(MD)No.4286 of 2025

S.Manimozhi

.. Petitioner

Vs.

R.Muthukumar

.. 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.126 of 2023 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.P.Suresh

For Respondent : Mr.P.Vinoth

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.126 of 2023 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Family Court, Madurai.



Tr.CMP.(MD)No.174 of 2025

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 27.05.2018 at Sri Sankaralinga Narayanasamy Temple, Lingampatti 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 the proceeding in H.M.O.P.No.126 of 2023 on the file of the Sub Court, Kovilpatti seeking divorce.

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 now residing at Kochadai, Madurai District under the care of her parents. The distance between Kochadai and Kovilpatti is around 240 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.126 of 2023 from the file of the Sub Court, Kovilpatti to the file of the Family Court, Madurai.



Tr.CMP.(MD)No.174 of 2025

WEB COPY 6. The learned counsel for the respondent has filed counter affidavit by raising strong objections to allow this petition. He submits that the respondent/husband has lost his job and is now jobless. If the proceeding in H.M.O.P.No.126 of 2023 is transferred from the file of the Sub Court, Kovilpatti to the file of the Family Court, Madurai, he would also be put to much hardship.

7. In reply, the learned counsel for the petitioner submits that instead of Family Court at Madurai, the proceeding in H.M.O.P.No.126 of 2023 may be transferred to the file of any of the Sub Court at Madurai, where the presence of either party is necessary only for indispensable hearings, for which the learned counsel for the respondent has not raised any objection.

8. Considering the overall facts and circumstances of the case, and also considering the fact that both the parties have consented for the transfer of proceeding in H.M.O.P.No.126 of 2023 from the file of the Sub Court, Kovilpatti to the file of any of the Sub Court at Madurai, this Court is inclined to allow this petition.



Tr.CMP.(MD)No.174 of 2025

WEB COPY

9. The learned Judge, Sub Court, Kovilpatti is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.126 of 2023, to the file of the III Additional Sub Court, Madurai within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, III Additional Sub Court, Madurai is directed to take the case on file and dispose of the same in accordance with law within a period of six months from the date of receipt of records.

10. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

08.04.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
mkn



WEB COPY



Tr.CMP.(MD)No.174 of 2025

P. VADAMALAI, J.

mkn

To

- 1.The Sub Court,
Kovilpatti.
- 2.The III Additional Sub Court,
Madurai.

Tr.CMP.(MD)No.174 of 2025
and
C.M.P.(MD)No.4286 of 2025

08.04.2025