



Tr.CMP.(MD)No.164 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.164 of 2025

and

C.M.P.(MD)No.4156 of 2025

S.Indhu

.. Petitioner

Vs.

A.Govarthanan

.. 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.67 of 2021 on the file of the Sub Court, Manapparai and transfer the same to the file of the Sub Court, Thittakudi.

For Petitioner : Mr.A.Joel Paul Antony

For Respondent : Mr.J.Jeyakumaran

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.67 of 2021 on the file of the Sub Court, Manapparai and transfer the same to the file of the Sub Court, Thittakudi.



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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 31.08.2020 at Kilimangalam, Thittakudi Taluk, Cuddalore District as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.67 of 2021 on the file of the Sub Court, Manapparai 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 residing at Thittakudi Taluk, Cuddalore District under the care of her father. The distance between Thittakudi and Manapparai is around 280 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.67 of 2021 from the file of the Sub Court, Manapparai to the file of the Sub Court, Thittakudi.



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WEB COPY 6. The learned counsel for the respondent submits that instead of Sub Court at Thittakudi, the proceeding in H.M.O.P.No.67 of 2021 may be transferred from the file of the Sub Court at Manapparai to the file of any other Court between Trichy and Cuddalore, preferably Principal Sub Court at Trichy, for which the learned counsel for the petitioner has also acceded to.

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 the learned counsel for the petitioner has not raised any objection for the transfer of proceeding in H.M.O.P.No.67 of 2021 from the file of the Sub Court at Manapparai to the file of the Principal Sub Court at Trichy, this Court is inclined to allow this petition.



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9. The learned Judge, Sub Court, Manapparai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.67 of 2021, to the file of the Principal Sub Court, Trichy 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, Trichy 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.

22.04.2025

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,
Manapparai, Trichy District.
- 2.The Principal Sub Court,
Trichy.

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