



Tr.CMP.(MD)No.200 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.200 of 2025

and

C.M.P.(MD)No.5060 of 2025

Initha Priya

.. Petitioner

Vs.

N.Alexandar

.. 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.64 of 2024 on the file of the Sub Court, Sattur and transfer the same to the file of the Sub Court, Thoothukudi.

For Petitioner : Mr.N.Muthu Vijayan

For Respondent : Ms.U.Sri Rubha

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.64 of 2024 on the file of the Sub Court, Sattur and transfer the same to the file of the Sub Court, Thoothukudi.



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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 26.11.2020 at Laxmi Mahal, Dhanasekaran Nagar, Thoothukudi 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.64 of 2024 on the file of the Sub Court, Sattur seeking divorce. The petitioner/wife has initiated Interlocutory Applications in I.A.No.1 of 2025 in H.M.O.P. No.64 of 2024 seeking maintenance and I.A.No.2 of 2025 in H.M.O.P. No.64 of 2024 seeking recovery of her household articles, jewels, etc. on the file of the Sub Court, Sattur.

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 Selvanayagapuram, Thoothukudi District under the care of her mother. The distance between Selvanayagapuram and Sattur is around 160 Kms to and fro, and the petitioner/wife, being a lady, finds it



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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.64 of 2024 from the file of the Sub Court, Sattur to the file of the Sub Court, Thoothukudi.

6. The learned counsel for the respondent submits that since the respondent/husband is working at Chennai, it would also be difficult for him to appear before the Court at Thoothukudi. Moreover, there is a life threat for the respondent by the petitioner's brother at Thoothukudi. Hence, she strongly objected to allow this petition.

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 also considering the convenience of the wife, this Court is inclined to allow this petition.



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WEB COPY 9. The learned Judge, Sub Court, Sattur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.64 of 2024, to the file of the Sub Court, Thoothukudi 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, Thoothukudi 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.

16.04.2025

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,
Sattur, Virudhunagar District.
- 2.The Sub Court,
Thoothukudi.

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