



Tr.CMP.(MD)No.448 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.448 of 2024

and

C.M.P.(MD)No.10046 of 2024

Savithri Vaidyanathan

.. Petitioner

Vs.

M.Sundar

.. Respondent

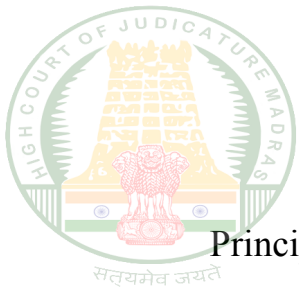
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.1149 of 2024 on the file of the Principal Family Court, Chennai and transfer the same to the file of the Sub Court, Thirumayam.

For Petitioner : M/s.S.Prabha

For Respondent : Mr.N.Kamesh

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1149 of 2024 on the file of the



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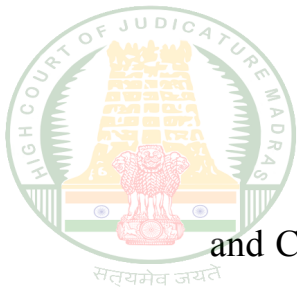
Principal Family Court, Chennai and transfer the same to the file of the Sub Court, Thirumayam.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 09.09.2021 at Karpaga Thirumana Mandapamm, Chennai 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 petitioner/wife has initiated a proceeding in H.M.O.P.No.162 of 2021 on the file of the Sub Court, Thirumayam seeking restitution of conjugal rights. The respondent/husband has initiated the proceeding in H.M.O.P.No.1149 of 2024 on the file of the Principal Family Court, Chennai 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 Rayavaram, Pudukottai District under the care of her parents. The distance between the petitioner's place of residence



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and Chennai is around 800 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.1149 of 2024 from the file of the Principal Family Court, Chennai to the file of the Sub Court, Thirumayam.

6. The learned counsel for the respondent has filed a counter stating that the petitioner is an employee of a company in Chennai, and she is earning reliable income and is financially independent. Since she is already working at Chennai, there is no necessity to transfer the proceeding in H.M.O.P.No.1149 of 2024 from the file of the Principal Family Court, Chennai to the file of the Sub Court, Thirumayam. Hence, he strongly objected to allow this petition.

7. In reply to the contention made by the learned counsel for the respondent, the learned counsel for the petitioner concedes that the petitioner/wife is an employee of a company in Chennai, and she has been permitted to work from home, and is currently working from her home at Pudukottai.



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WEB COPY 8. 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.

9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also taking into account that already a proceeding seeking restitution of conjugal rights, initiated by the petitioner/wife, is pending before the Sub Court at Thirumayam, this Court is inclined to allow this petition.

10. The learned Judge, Principal Family Court, Chennai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.1149 of 2024, to the file of the Sub Court, Thirumayam 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, Thirumayam is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

03.04.2025

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 Principal Family Court,
Chennai.

2.The Sub Court,
Thirumayam.

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and

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