



Tr.CMP.(MD)No.535 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.535 of 2024

and

C.M.P.(MD)Nos.12777 & 12865 of 2024

A.Pavithra

.. Petitioner

Vs.

A.C.Vishnu Ram

.. 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.924 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Keeranur.

For Petitioner : Mr.K.Dinesh

For Respondent : Mr.M.Dinesh Hari Sudarsan



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.924 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Keeranur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 05.09.2022 at S.Ayyavuthevar Marriage Hall, Iyer Bungalow, Madurai 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.924 of 2024 on the file of the Family Court, Madurai seeking divorce. Thereafter, the petitioner/wife has initiated a proceeding in H.M.O.P.No.59 of 2024 on the file of the Sub Court, Keeranur seeking restitution of conjugal rights.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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WEB COPY 5. The learned counsel for the petitioner would submit that the petitioner is now residing at Viralimalai, Pudukottai District under the care of her parents. The distance between the petitioner's place of residence and Madurai is around 200 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.924 of 2024 from the file of the Family Court, Madurai to the file of the Sub Court, Keeranur.

6. The learned counsel for the respondent has filed a counter and would submit that the petitioner/wife not only initiated the proceeding seeking restitution of conjugal rights, but has also initiated a Domestic Violence Case in D.V.C.No.6 of 2024 on the file of the District Munsif cum Judicial Magistrate, Viralimalai. Aggrieved by the same, the respondent/husband has preferred a Civil Revision Petition in C.R.P. (MD)No.2104 of 2024 before this Court, and by an order, dated 04.09.2024, this Court disposed of the said Civil Revision Petition by directing the concerned Court to dispose of the said Domestic Violence Case within a period of five months from the date of receipt of a copy of that order, and



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all the above said facts have been suppressed by the petitioner/wife.

However, he would submit that if the proceeding in H.M.O.P.No.924 of 2024 is transferred from the file of the Family Court, Madurai to the file of the Sub Court, Keeranur, some time frame may be given to the learned Subordinate Judge, Keeranur to dispose of the case.

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 taking note of the fact that the proceeding in H.M.O.P.No.59 of 2024 initiated by the petitioner/wife is already pending on the file of the Sub Court, Keeranur, this Court is inclined to allow this petition.

9. The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.924 of 2024, to the file of the Sub Court, Keeranur within a period of three weeks from the date



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of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Keeranur is directed to take the case on file, and hear the case along with H.M.O.P.No.59 of 2024, and dispose of both the cases 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 Petitions are closed.

17.02.2025

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 Family Court,
Madurai.

2.The Sub Court,
Keeranur.

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and
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