



Tr.CMP(MD)No.554 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.04.2025

Pronounced on : 16.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.CMP(MD)No.554 of 2024

and

C.M.P(MD)No.13250 of 2024

Nivetha @ Nivetha Jasmin

... Petitioner

Vs.

Deepan Venkateshkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.15 of 2024 pending on the file of the Subordinate Court, Uthamapalayam and transfer the same to the Family Court, Dindigul or any other competent Court in Dindigul.

For Petitioner : Mr.S.Ramesh Kumar

For Respondent : Mr.K.Navaneetha Raja.



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in H.M.O.P.No.15 of 2024 pending on the file of the Sub Court, Uthamapalayam and to transfer the same to the file of the Family Court, Dindigul.

2. The petitioner is the wife of the respondent. Their marriage between the petitioner and the respondent was solemnized on 30.10.2022 at Chinnamanur of Theni District. Due to misunderstanding that arose between them, they are living separately. It is further alleged that the petitioner was forced to leave the matrimonial house and she is now residing with her parents. Thereafter, the respondent filed the petition in H.M.O.P.No.15 of 2024 before the Sub Court, Uthamapalayam, for divorce.

3. The learned counsel for the petitioner has submitted that the petitioner filed H.M.O.P.No.5 of 2024 for restitution of conjugal rights. Though that petition was allowed on ex-parte, the respondent is not ready to live with the petitioner and wantonly filed the petition in H.M.O.P.No.15 of 2024 for divorce. The petitioner is working as Junior Assistant in Education Department at Dindigul and she is living along with her parents. She finds it difficult to attend



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the Court at Uthamapalayam. The convenience of the wife is the paramount consideration in the case of transfer petition. In the above circumstances, the petitioner has filed this present Transfer Civil Miscellaneous Petition and the same may be allowed.

4. The learned counsel for the respondent filed a counter and objected the petition. The learned counsel further submitted that the marriage was not consummated between the parties. Even though the respondent arranged a separate residence at Dindigul, the petitioner has not changed her attitude and she is always focusing on studying and money savings and lastly, she left the matrimonial home. The respondent is willing to transfer the case at the middle place.

5. Both side arguments have been carefully considered. It is admitted that the parties are legally wedded spouses, however, they are living separately upon misunderstanding arose between them. Though the petitioner filed the petition for conjugal rights and the same was allowed, the respondent filed a petition for divorce and the same is pending before the Sub Court, Uthamapalayam. It is not disputed that the petitioner is now working at Dindigul. It is well settled proposition by the Hon'ble Supreme Court in a catena of cases that whenever the



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transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into and the wife's convenience should be given preference. While the respondent seeks for middle place, that would not serve any purpose as both parties have to travel from their respective place. Therefore, this Court is inclined to allow this petition, granting transfer as sought by the petitioner.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.15 of 2024 pending on the file of the Subordinate Court, Uthamapalayam, is hereby withdrawn and transferred to the file of the Family Court, Dindigul, for disposal in accordance with law. The learned Subordinate Judge, Uthamapalayam, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.15 of 2024 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

16.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

- 1.The Subordinate Court,
Uthamapalayam.
- 2.The Family Court,
Dindigul.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.CMP(MD)No.554 of 2024
and
C.M.P(MD)No.13250 of 2024

16.06.2025