



Tr.CMP.(MD)No.553 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.553 of 2024

and

C.M.P.(MD)Nos.13239 & 16122 of 2024

Punitha Vijayakumar

.. Petitioner

Vs.

Karthikeyan Chandran

.. 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.212 of 2024 on the file of the Sub Court, Thiruvottiyur and transfer the same to the file of the Family Court, Ramanathapuram.

For Petitioner : M/s.M.P.Roniga

For Respondent : Mr.V.P.Raju

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.212 of 2024 on the file of the Sub Court, Thiruvottiyur and transfer the same to the file of the Family Court, Ramanathapuram.



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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 20.08.2015 at Arulmigu Sripilicon Angala Parameshwari Alayam, Ennore, Chennai as per the Hindu Rites and Customs. Out of the wedlock, a female child, named K.Sakthi Sree, was born on 07.10.2016.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.212 of 2024 on the file of the Sub Court, Thiruvottiyur seeking restitution of conjugal rights. The petitioner has initiated a Domestic Violence Case in D.V.C.No.45 of 2024 on the file of the Additional Mahila (JM) Court, Ramanathapuram as against the respondent and his family members.

4. Heard the learned counsel for the petitioner appeared before this Court and the learned counsel for the respondent appeared through Video Conference.

5. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her children at Ramanathapuram under the care of her mother. The distance between Ramanathapuram and



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Thiruvottiyur is around 520 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the 9 year old child. Further, the learned counsel for the petitioner produced a bonafide certificate, dated 06.09.2024, issued by the Principal, National Academy School, Ramanathapuram showing that the petitioner's child is now studying at Ramanathapuram. Hence, she seeks transfer of proceeding in H.M.O.P.No.212 of 2024 from the file of the Sub Court, Thiruvottiyur to the file of the Family Court, Ramanathapuram.

6. The learned counsel for the respondent would submit that the respondent, being the resident of Ennore, Chennai, would also be put to much hardship, if the proceeding in H.M.O.P.No.212 of 2024 is transferred from the file of the Sub Court, Thiruvottiyur to the file of the Family Court, Ramanathapuram. Hence, he would request this Court to transfer the proceeding to the file of any Court at Trichy or Madurai.

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.



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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.

9. The learned Judge, Sub Court, Thiruvottiur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.212 of 2024, to the file of the Family Court, Ramanathapuram 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, Family Court, Ramanathapuram 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 Petitions are closed.

04.02.2025

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 Sub Court,
Thiruvottiyur.
- 2.The Family Court,
Ramanathapuram.

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