



Tr.CMP.(MD)No.2 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.2 of 2022

and

C.M.P.(MD)No.13 of 2022

Rathidevi

.. Petitioner

Vs.

D.Vetrivel

.. 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.10 of 2021 on the file of the Sub Court, Gingee and transfer the same to the file of the Principal Sub Court, Karur.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : Mr.R.Tharun Athithyan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.10 of 2021 on the file of the Sub Court, Gingee and transfer the same to the file of the Principal Sub Court, Karur.



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WEB COPY 2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.09.2017 at Villupuram as per the Hindu Rites and Customs. Out of the wedlock, a female child, named Shanadevi, was born on 05.04.2019.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.10 of 2021 on the file of the Sub Court, Gingee seeking divorce. The petitioner/wife has also initiated a proceeding in H.M.O.P.No.74 of 2021 on the file of the Sub Court, Karur seeking restitution of conjugal rights.

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

5. The learned counsel for the petitioner would submit that the petitioner is now residing with her child at Karur District under the care of her parents. The distance between Karur and Gingee is around 270 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 five and a



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half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.

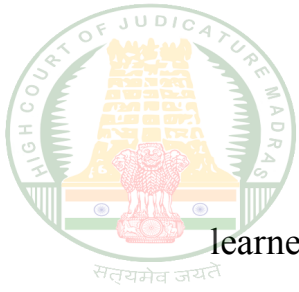
WEB COM No.10 of 2021 from the file of the Sub Court, Gingee to the file of the Principal Sub Court, Karur.

6. The learned counsel for the respondent has raised only formal objection to 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.

9. The learned Judge, Sub Court, Gingee is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.10 of 2021, to the file of the Principal Sub Court, Karur within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the



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learned Judge, Principal Sub Court, Karur 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.

20.02.2025

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,
Gingee.

2.The Principal Sub Court,
Karur.

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and
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