



Tr.CMP.(MD)No.603 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.603 of 2024

and

C.M.P.(MD)Nos.13966 & 13970 of 2024

U.B.Malathi @ Malu

.. Petitioner

Vs.

T.Muthukumar

.. 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.60 of 2024 on the file of the Sub Court, Thiruvottiyur and transfer the same to the file of the Family Court, Nagercoil.

For Petitioner : Mr.R.Vignesh

For Respondent : Ms.R.Lavanya

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.60 of 2024 on the file of the Sub Court, Thiruvottiyur and transfer the same to the file of the Family Court, Nagercoil.



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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 02.09.2019 at Murugankundram Temple, Pazhathottam, Kanyakumari District as per the Hindu Rites and Customs. Out of the wedlock, a male child, named M.Dashwin, was born on 07.08.2020.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.60 of 2024 on the file of the Sub Court, Thiruvottiyur seeking restitution of conjugal rights. The petitioner/wife has initiated a proceeding in M.C.No.14 of 2024 on the file of the Family Court, Nagercoil seeking maintenance.

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 Kanyakumari District under the care of her parents. The distance between Kanyakumari and Thiruvottiyur is around 720 Kms, and the petitioner/wife, being a lady, finds it very difficult



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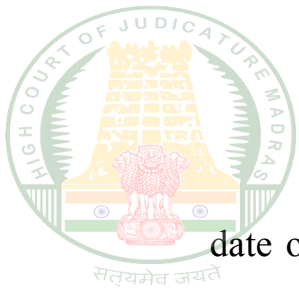
to travel such a long distance for attending every Court hearing along with the four and a half year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.60 of 2024 from the file of the Sub Court, Thiruvottiyur to the file of the Family Court, Nagercoil.

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 considering the convenience of the wife, this Court is inclined to allow this petition.

9. The learned Judge, Sub Court, Thiruvottiyur is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.60 of 2024, to the file of the Family Court, Nagercoil within a period of three weeks from the



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date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Family Court, Nagercoil 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.

21.02.2025

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,
Nagercoil, Kanyakumari District.

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