



Tr.CMP.(MD)No.648 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.648 of 2022

and

C.M.P.(MD)No.10292 of 2022

Karthigaimani

.. Petitioner

Vs.

B.Siva

.. 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.74 of 2018 on the file of the Sub Court, Paramakudi and transfer the same to the file of the Sub Court, Devakottai.

For Petitioner : Mr.P.Saravanakumar

For Respondent : Mr.N.Sathishwaran

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.74 of 2018 on the file of the Sub Court, Paramakudi and transfer the same to the file of the Sub Court, Devakottai.



Tr.CMP.(MD)No.648 of 2022

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 21.06.2013 at Karaikudi as per the Hindu Rites and Customs. Out of wedlock, a female child, named Akarshana, was born on 17.03.2014.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has already initiated a proceeding in D.V.O.P.No.6 of 2018 on the file of the Judicial Magistrate, Karaikudi seeking maintenance, and has also initiated a proceeding in H.M.O.P.No.27 of 2022 on the file of the Sub Court, Devakottai seeking divorce. The respondent/husband has initiated the proceeding in H.M.O.P.No.74 of 2018 on the file of the Sub Court, Paramakudi 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 submits that the petitioner/wife has already moved a Transfer Civil Miscellaneous Petition in Tr.C.M.P.(MD)No.274 of 2019 before this Court seeking transfer of proceeding in H.M.O.P.No.74 of 2018 from the file of the Sub Court,



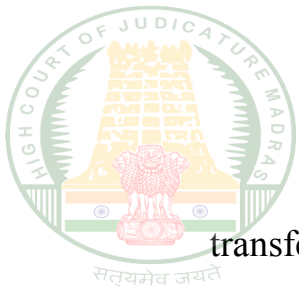
Tr.CMP.(MD)No.648 of 2022

WEB COPY

Paramakudi to the file of the Sub Court, Devakottai. By an order, dated 30.09.2019, this Court dismissed the said petition as infructuous by recording the submission made by the learned counsel for the respondent that the proceeding initiated by the respondent/husband in H.M.O.P.No.74 of 2018 on the file of the Sub Court, Paramakudi has itself been disposed of on 11.09.2019. Since the order passed in H.M.O.P.No.74 of 2018 was an *ex parte* order, the same was set aside and the case was restored back and is now pending on the file of the Sub Court, Paramakudi.

6. Further, the learned counsel for the petitioner submits that the petitioner/wife is residing with her child in her parental home at Karaikudi, Sivagangai District. The distance between Karaikudi and Paramakudi is around 150 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 along with the eleven year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.74 of 2018 from the file of the Sub Court, Paramakudi to the file of the Sub Court, Devakottai.

7. The learned counsel for the respondent submits that instead of Sub Court at Devakottai, the proceeding in H.M.O.P.No.74 of 2018 may be



Tr.CMP.(MD)No.648 of 2022

transferred from the file of the Sub Court at Paramakudi to the file of any other Court between Paramakudi and Devakottai.

8. 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.

9. Considering the overall facts and circumstances of the case, and considering the convenience of the wife, and also considering the fact that since the transferee Court is a Sub Court, the personal appearance of both the parties are not necessary for every hearing, this Court is inclined to allow this petition.

10. The learned Judge, Sub Court, Paramakudi is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.74 of 2018, to the file of the Sub Court, Devakottai within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Devakottai is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



Tr.CMP.(MD)No.648 of 2022

WEB COPY 11. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

25.04.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.648 of 2022

P. VADAMALAI, J.

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To

- 1.The Sub Court,
Paramakudi.
- 2.The Sub Court,
Devakottai, Sivagangai District.

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