



Tr.CMP.(MD)No.619 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.619 of 2023

and

C.M.P.(MD)No.13818 of 2023

P.Radhika

.. Petitioner

Vs.

S.Sevugarajan

.. 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.188 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of the Principal Sub Court, Coimbatore.

For Petitioner : Mr.S.Manoj Immanuel

For Respondent : Mr.S.Asaithambi

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.188 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of the Principal Sub Court, Coimbatore.



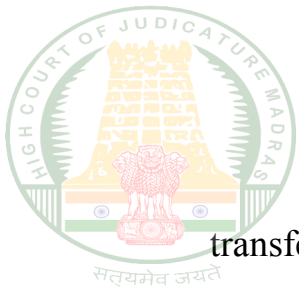
Tr.CMP.(MD)No.619 of 2023

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 10.07.2016 at Kumaravelur Village, Devakottai Taluk, Sivagangai District as per the Hindu Rites and Customs. Out of wedlock, a female child, named Yazhini, was born on 15.06.2017.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.188 of 2023 on the file of the Sub Court, Devakottai seeking divorce.

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 is now residing with her child at Coimbatore District under the care of her father. The distance between Coimbatore and Devakottai is around 520 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 seven and a half year old child. Hence, she seeks



Tr.CMP.(MD)No.619 of 2023

transfer of proceeding in H.M.O.P.No.188 of 2023 from the file of the Sub Court, Devakottai to the file of the Principal Sub Court, Coimbatore.

6. The learned counsel for the respondent has raised only formal objection to allow 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, Devakottai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.188 of 2023, to the file of the Principal Sub Court, Coimbatore 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, Principal Sub Court, Coimbatore is directed to



Tr.CMP.(MD)No.619 of 2023

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.

04.04.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.619 of 2023

P. VADAMALAI, J.

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To

- 1.The Sub Court,
Devakottai.
- 2.The Principal Sub Court,
Coimbatore.

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and

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