



Tr.CMP.(MD)No.632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.632 of 2024

and

C.M.P.(MD)No.15184 of 2024

M.Rama Priya

.. Petitioner

Vs.

B.Ayyamperumal

.. 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.461 of 2024 on the file of the Family Court, Kanniyakumari at Nagercoil and transfer the same to the file of the Sub Court, Ambasamudram.

For Petitioner : Mr.S.Mohan Kumar

For Respondent : Mr.D.Senthil

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.461 of 2024 on the file of the Family Court, Nagercoil and transfer the same to the file of the Sub Court, Ambasamudram.



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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 04.02.2018 at Vadachery Vaniga Vaiciya Marriage Hall, Nagercoil as per the Hindu Rites and Customs. Out of wedlock, a female child, named A.Aksayah, was born on 15.03.2021.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.461 of 2024 on the file of the Family Court, Nagercoil 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 is now residing with her child at Vickramasingapuram, Ambasamudram Taluk, Tirunelveli District under the care of her parents. The distance between Vickramasingapuram and Nagercoil is around 200 Kms to and fro, 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 year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.461 of 2024 from the file of the Family Court, Nagercoil to the file of the Sub Court, Ambasamudram.

6. The learned counsel for the respondent submits that the respondent/husband has not raised any objection for the transfer of proceeding, in H.M.O.P.No.461 of 2024, from the file of the Family Court at Nagercoil to the file of the Sub Court at Ambasamudram, but he requests this Court that a direction may be given to the learned Subordinate Judge, Ambasamudram to dispose of the case as early as possible.

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.



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WEB COPY 9. The learned Judge, Family Court, Nagercoil is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.461 of 2024, to the file of the Sub Court, Ambasamudram 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, Sub Court, Ambasamudram is directed to take the case on file and dispose of the same in accordance with law within a period of six months from the date of receipt of records.

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

28.03.2025

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 Family Court,
Nagercoil, Kanniyakumari District.
- 2.The Sub Court,
Ambasamudram.

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