



Tr.CMP.(MD)No.669 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.669 of 2024

and

C.M.P.(MD)No.16110 of 2024

R.Vinitha

.. Petitioner

Vs.

P.Ezhilarasan

.. 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.196 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Family Court, Ramanathapuram.

For Petitioner : Mr.G.Vishnuram

For Respondent : Mr.S.Vellaichamy



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.196 of 2024 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Family Court, Ramanathapuram.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 15.04.2022 at Sri Muthumariamman Temple, Kamuthi as per the Hindu Rites and Customs. Out of wedlock, no child was born.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.196 of 2024 on the file of the Sub Court, Poonamallee seeking divorce.

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

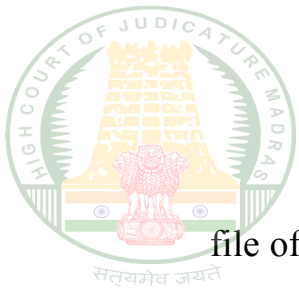


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5. The learned counsel for the petitioner submits that the petitioner/wife is now residing at Kamuthi, Ramanathapuram District under the care of her parents. The distance between Ramanathapuram and Poonamallee is around 1100 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.196 of 2024 from the file of the Sub Court, Poonamallee to the file of the Family Court, Ramanathapuram.

6. The learned counsel for the respondent submits that the respondent/husband, being the resident of Thiruvallur District, would also be put to much hardship, if the proceeding in H.M.O.P.No196 of 2024 is transferred from the file of the Sub Court, Poonamallee to the file of the Family Court, Ramanathapuram. Hence, he prays this Court to dismiss the present petition.

7. Upon hearing the contention made by the learned counsel for the respondent, the learned counsel for the petitioner submits that instead of Family Court at Ramanathapuram, the proceeding in H.M.O.P.No.196 of 2024 may be transferred from the file of the Sub Court, Poonamallee to the



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file of the Sub Court at Ramanathapuram, where the presence of either party is necessary only for indispensable hearings, for which the learned counsel for the respondent has not raised any objection.

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 both the parties have consented for the transfer of proceeding in H.M.O.P.No.196 of 2024 from the file of the Sub Court, Poonamallee to the file of the Sub Court at Ramanathapuram, this Court is inclined to allow this petition.

10. The learned Judge, Sub Court, Poonamallee is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.196 of 2024, to the file of the Sub Court, Ramanathapuram 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, Sub Court, Ramanathapuram is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

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

21.03.2025

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 Sub Court,
Poonamallee.
- 2.The Sub Court,
Ramanathapuram.

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