



TR.CMP(MD)No.547 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

TR.CMP(MD)No.547 of 2025

and

C.M.P.(MD)No.15136 of 2025

S.Monica Cellas

...Petitioner

Vs

Vincent

...Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of CPC, to pass an order to withdraw the case O.P.No.12 of 2025 on the file of Family Judge, Karaikal to transfer the same to on file of Sub Court, Thirumayam for adjudication.

For Petitioner : Mr.P.Edin Brough

For Respondent : Mr.R.Ponkarthikeyan

ORDER

This Transfer Petition is at the instance of wife. She seeks withdrawal of O.P.No.12 of 2025 from the file of Family Court, Karaikal and transfer the same to the file of Sub Court, Thirumayam.



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2.Heard Mr.P.Edin Brough, learned counsel for petitioner and Mr.R.Ponkarthikeyan, learned counsel for respondent.

3.Petitioner married the respondent on 09.06.2024 at St.Francis Xavier Church. Due to differences, parties have separated. Respondent/husband initiated proceedings in O.P.No.12 of 2025 for restitution of conjugal rights before Family Judge, Karaikal. The learned Counsel for the petitioner submitted that wife is residing in Pudukottai and unable to travel from Pudukottai District to Karaikal. The petitioner is presently living with her parents. Her parents are undergoing treatment for hypertension/ Blood Pressure and Diabetic, while taking care of the petitioner. In the circumstances, petitioner would submit that it would be extremely difficult to travel from Pudukottai to Karaikal for purpose of defending the OP filed by the respondent. Hence, the petitioner has moved this transfer petition.

4.Mr.R.Ponkarthikeyan, learned counsel for respondent on instructions from respondent submitted that respondent has objection to transfer OP.No.12 of 2025, on the file of Family Judge, Karaikal to the file of Sub Court, Thirumayam, since the respondent is a resident of Karaikal and is working only in Karaikal.



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5. This Court and the Supreme Court have consistently held in matters of transfer, convenience of wife should be given a superior consideration than that of husband. As the distance between Pudukottai and Karaikal is considerable and since it will be difficult for the wife to travel and to attend the Court, I am inclined to accept the prayer for transfer.

6. In view thereof, OP No.12 of 2025 pending on the file of Family Judge, Karaikal, is hereby ordered to be withdrawn and transferred to the file of Sub Court, Thirumayam. Learned Sub Judge, Thirumayam is directed to dispose of the aforementioned case expeditiously, preferably within a period of six months.

7. With the above observations, the Transfer Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
Web : Yes/No
Speaking/Non Speaking

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MOHAMMED SHAFFIQ, J.

gvn

To

1. The Family Judge,
Karaikal
2. The Judge,
Sub Court, Thirumayam

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