



Tr.CMP.(MD)No.772 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.772 of 2022

and

C.M.P.(MD)No.12426 of 2022

Manibharathi

.. Petitioner

Vs.

Kannan

.. 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.127 of 2021 on the file of the Principal Sub Court, Mayiladuthurai and transfer the same to the file of the Sub Court, Kumbakonam.

(Prayer has been amended vide Court's order, dated 13.02.2025, in C.M.P. (MD)No.2044 of 2025 in Tr.C.M.P.(MD)No.772 of 2022 by PVMJ)

For Petitioner : Mr.P.Balasubramaniyan

For Respondent : No Appearance



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ORDER

WEB COPY The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.127 of 2021 on the file of the Principal Sub Court, Mayiladuthurai and transfer the same to the file of the Principal Sub Court, Kumbakonam.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 08.02.2015 at P.M.S. Marriage Hall, Mayiladuthurai as per the Hindu Rites and Customs. Out of wedlock, two female children, named Dhanya Shri and Ganga Shri, were 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.127 of 2021 on the file of the Principal Sub Court, Mayiladuthurai seeking divorce.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.



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WEB COPY 5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her children at Thiruvidadimarudhur, Thanjavur District. The distance between Thanjavur and Mayiladuthurai is around 75 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with two children. Hence, she seeks transfer of proceeding in H.M.O.P.No.127 of 2021 from the file of the Principal Sub Court, Mayiladuthurai to the file of the Principal Sub Court, Kumbakonam.

7. It is well settled proposition of law that whenever 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 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, Principal Sub Court, Mayiladuthurai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.127 of 2021 to the file of the Principal Sub Court, Kumbakonam 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, Kumbakonam is directed to 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.

20.02.2025

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 Principal Sub Court,
Mayiladuthurai.
- 2.The Principal Sub Court,
Kumbakonam.

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