



Tr.CMP.(MD)No.711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.02.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.711 of 2024

and

C.M.P.(MD)No.17096 of 2024

N.Veyilyumuthu @ Bhuvaneshwari .. Petitioner

Vs.

N.Ramkumar .. 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.268 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of any competent Court at Virudhunagar District more particularly the Sub Court, Virudhunagar District.

For Petitioner : Mr.J.Sankarapandian

For Respondent : Mr.V.Santhakumaresan

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.268 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Virudhunagar or any other competent Court at Virudhunagar District.



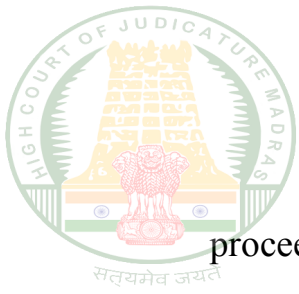
Tr.CMP.(MD)No.711 of 2024

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 23.01.2023 at Ambal Ramasamy Mahal in Virudhunagar as per the Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.268 of 2024 on the file of the Family Court, Madurai seeking divorce. The petitioner/wife has also initiated a proceeding in H.M.O.P.No.122 of 2024 pending on the file of the Sub Court, Virudhunagar 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 would submit that the petitioner is now residing at Virudhunagar under the care of her parents. The distance between Virudhunagar and Madurai is around 60 Kms, 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



Tr.CMP.(MD)No.711 of 2024

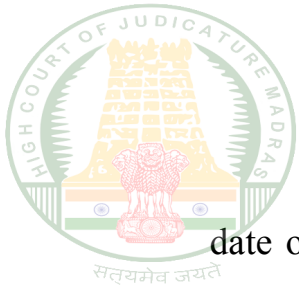
proceeding in H.M.O.P.No.268 of 2024 from the file of the Family Court, Madurai to the file of the Sub Court, Virudhunagar.

6. The learned counsel for the respondent has not raised any objection to this petition, but he, however, requested this Court that some time frame may be given to the learned Subordinate Judge, Virudhunagar to dispose of both the cases.

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, Family Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.268 of 2024, to the file of the Sub Court, Virudhunagar within a period of three weeks from the



Tr.CMP.(MD)No.711 of 2024

date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Virudhunagar is directed to take the case on file, and hear the case along with the case in H.M.O.P.No.122 of 2024, and dispose of both the cases in accordance with law within a period of five 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.

12.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
mkn



WEB COPY



Tr.CMP.(MD)No.711 of 2024

P. VADAMALAI, J.

mkn

To

1.The Family Court,
Madurai.

2.The Sub Court,
Virudhunagar.

Tr.CMP.(MD)No.711 of 2024

and

C.M.P.(MD)No.17096 of 2024

12.02.2025