



Tr.CMP.(MD)No.732 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.732 of 2024

and

C.M.P.(MD)No.17546 of 2024

R.Udaya

.. Petitioner

Vs.

O.A.Sivakumar

.. 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.1233 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Arni to be tried along with H.M.O.P. No.82 of 2024.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.H.Mohammed Farook

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.1233 of 2024 on the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Arani to be tried along with H.M.O.P.No.82 of 2024.



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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 25.05.2023 at Abirami Thirumana Mandapam, Madurai 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.1233 of 2024 on the file of the Family Court, Madurai seeking divorce. The petitioner/wife has initiated the proceeding in H.M.O.P.No.82 of 2024 on the file of the Sub Court, Arni 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 at Arni Taluk, Tiruvannamalai District under the care of her parents. The distance between the petitioner's place of residence and Madurai is around 760 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long



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distance for attending every Court hearing. Hence, she seeks transfer of proceeding in H.M.O.P.No.1233 of 2024 from the file of the Family Court, Madurai to the file of the Sub Court, Arani to be tried along with H.M.O.P.No.82 of 2024.

6. The learned counsel for the respondent has not raised any serious objection to this petition.

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.1233 of 2024, to the file of the Sub Court, Arni within a period of three weeks from the date



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of receipt of a copy of this order, and on receipt of such records, the learned

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Judge, Sub Court, Arni is directed to take the case on file, and try the case along with H.M.O.P.No.82 of 2024, and dispose of both the cases 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.

17.03.2025

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,
Madurai.
- 2.The Sub Court,
Arni, Tiruvannamalai District.

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