



Tr.CMP.(MD)No.749 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.749 of 2024

and

C.M.P.(MD)No.17879 of 2024

S.Vinothini

.. Petitioner

Vs.

K.J.Saranraj

.. 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.91 of 2024 on the file of the Sub Court, Dharapuram and transfer the same to the file of the Family Court, Karur.

For Petitioner : Mr.S.Gokulraj

For Respondent : M/s.V.Muthukamatchi

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.91 of 2024 on the file of the Sub Court, Dharapuram and transfer the same to the file of the Family Court, Karur.



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2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 16.06.2022 at Arulmigu Kalyana Pasupatheeswarar Swami Thirukovil, Karur 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.91 of 2024 on the file of the Sub Court, Dharapuram seeking divorce. The petitioner/wife has initiated a proceeding in H.M.O.P.No.749 of 2024 on the file of the Family Court, Karur 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/wife is now residing at Narasimmapuram, Karur District under the care of her parents. The distance between the petitioner's place of residence and Dharapuram is around 75 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending



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every Court hearing. Hence, she now seeks transfer of proceeding in

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H.M.O.P.No.91 of 2024 from the file of the Sub Court, Dharapuram to the file of the Family Court, Karur to be tried along with H.M.O.P.No.749 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, Sub Court, Dharapuram is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.91 of 2024, to the file of the Family Court, Karur 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 Judge, Family Court, Karur is directed to take the case on file, and hear the case along with H.M.O.P.No.749 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.

06.03.2025

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,
Dharapuram, Tiruppur District.

2.The Family Court,
Karur.

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and
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