



Tr.CMP.(MD)No.767 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.767 of 2024

and

C.M.P.(MD)No.18553 of 2024

Jeya Archana

.. Petitioner

Vs.

Arumugam

.. Respondent

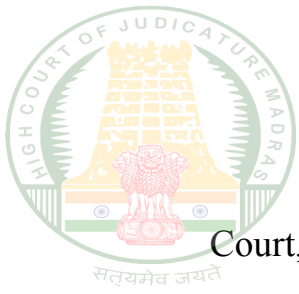
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.126 of 2024 on the file of the Sub Court, Dindigul and transfer the same to the file of the Sub Court, Aruppukkottai to be tried along with the proceeding in H.M.O.P.No.152 of 2024 pending on the file of the Sub Court, Aruppukkottai.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.126 of 2024 on the file of the Sub



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WEB COPY Court, Dindigul and transfer the same to the file of the Sub Court, Aruppukkottai to be tried along with the proceeding in H.M.O.P.No.152 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 13.06.2022 at SS Mahal, Viralipatti, Virudhunagar District as per the Hindu Rites and Customs. Out of wedlock, a male child was born on 06.01.2024.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.126 of 2024 on the file of the Sub Court, Dindigul seeking restitution of conjugal rights. The petitioner/wife has initiated the proceeding in H.M.O.P.No.152 of 2024 on the file of the Sub Court, Aruppukkottai 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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5. Heard the learned counsel appearing for the petitioner.

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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing with her child at Virudhunagar under the care of her parents. The distance between Virudhunagar and Dindigul is around 200 Kms to and fro, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing along with the one year old child. Hence, she seeks transfer of proceeding in H.M.O.P.No.126 of 2024 from the file of the Sub Court, Dindigul to the file of the Sub Court, Aruppukkottai to be tried along with the proceeding in H.M.O.P.No.152 of 2024.

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, Sub Court, Dindigul is directed to transmit the entire records pertaining to the case in H.M.O.P.No.126 of 2024 to the file of the Sub Court, Aruppukkottai 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, Sub Court, Aruppukkottai is directed to take the case on file, and hear the case along with H.M.O.P.No.152 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.

12.02.2025

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 Sub Court,
Dindigul.

2.The Sub Court,
Aruppukkottai.

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