



Tr.CMP.(MD)No.774 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.03.2025

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.774 of 2024

and

C.M.P.(MD)No.18749 of 2024

Preethi

.. Petitioner

Vs.

Deepan Sivashankar

.. 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.185 of 2024 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Sub Court, Musiri.

For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.M.Muthukumar

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.185 of 2024 on the file of the III Additional Sub Court, Madurai and transfer the same to the file of the Sub Court, Musiri.



Tr.CMP.(MD)No.774 of 2024

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 02.12.2019 at Thirumogur Kaalamega Perumal Temple, 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.185 of 2024 on the file of the III Additional Sub Court, Madurai seeking divorce.

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 Musiri, Tiruchirappalli under the care of her parents. Further, he would submit that on 22.09.2020, the petitioner met with an accident and sustained injuries, due to which she has been taking treatment at Trichy. The distance between Musiri and Madurai is around 140 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



Tr.CMP.(MD)No.774 of 2024

seeks transfer of proceeding in H.M.O.P.No.185 of 2024 from the file of the

III Additional Sub Court, Madurai to the file of the Sub Court, Musiri.

6. The learned counsel for the respondent would submit that the respondent/husband, being the resident of Madurai, would also be put to much hardship, if the proceeding in H.M.O.P.No.185 of 2024 is transferred from the file of the III Additional Sub Court, Madurai to the file of the Sub Court, Musiri. Hence, he would request this Court to transfer the proceeding to the file of any Court between Madurai and Tiruchirappalli.

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.



Tr.CMP.(MD)No.774 of 2024

WEB COPY 9. The learned Judge, III Additional Sub Court, Madurai is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.185 of 2024, to the file of the Sub Court, Musiri 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, Musiri 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.

07.03.2025

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



WEB COPY



Tr.CMP.(MD)No.774 of 2024

P. VADAMALAI, J.

mkn

To

- 1.The III Additional Sub Court,
Madurai.
- 2.The Sub Court,
Musiri, Tiruchirappalli District.

Tr.CMP.(MD)No.774 of 2024
and
C.M.P.(MD)No.18749 of 2024

07.03.2025