



Tr.CMP.(MD)No.786 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.02.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.786 of 2024

and

C.M.P.(MD)No.18944 of 2024

R.Vinupriya

.. Petitioner

Vs.

A.Dhana Vigneshkumar

.. 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.178 of 2024 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.M.Ganesan

For Respondent : Mr.I.Pinaygash

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.178 of 2024 on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Family Court, Madurai.



Tr.CMP.(MD)No.786 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 07.06.2023 at Arulmigu Subramania Swamy Temple, Thirupparankundram, Madurai District. Out of wedlock, a female child, named V.Tiyashini Rajaselvi, was born on 25.02.2024.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.178 of 2024 on the file of the Sub Court, Kovilpatti seeking restitution of conjugal rights. The petitioner/wife has also initiated a proceeding in D.V.O.P. No.153 of 2024 on the file of the Additional Mahila Court, Madurai.

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 with her child at Madurai District under the care of her parents. The distance between Madurai and Kovilpatti is around 100 Kms, and the petitioner/wife, being a lady, finds it very difficult to travel such a long distance for attending every Court hearing with the one year old



Tr.CMP.(MD)No.786 of 2024

child. Hence, she seeks transfer of proceeding in H.M.O.P.No.178 of 2024 from the file of the Sub Court, Kovilpatti to the file of the Family Court, Madurai.

6. The learned counsel for the respondent has raised strong 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, Kovilpatti is directed to transmit the entire records pertaining to the case, in H.M.O.P.No.178 of 2024, to the file of the Family Court, Madurai 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



Tr.CMP.(MD)No.786 of 2024

Judge, Family Court, Madurai 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.

25.02.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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Tr.CMP.(MD)No.786 of 2024

P. VADAMALAI, J.

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To

1.The Sub Court,
Kovilpatti.

2.The Family Court,
Madurai.

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