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Tr.C.M.P.No.1019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

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THE HON'BLE JUSTICE N.SATHISH KUMAR

Tr.C.M.P.No.1019 of 2024
and C.M.P.No.22214 of 2024

Mrs.Sakthi Priya

... Petitioner

-VS-

Mr.Ashok Kumar

... Respondent

Prayer: Transfer Petition filed under Section 24 of CPC to withdraw the proceedings in H.M.O.P.No.199 of 2024 pending before the Hon'ble Family Court at Dindigul and transfer the same to Hon'ble Principal Family Court at Chennai.

For Petitioner : Mr.M.Krishen

For Respondent : Mrs.V.Srimathi

ORDER

This Transfer Civil Miscellaneous Petition has been filed for transfer of the case pending before the Family Court, Dindigul in H.M.O.P.No.199 of 2024 to the file of Principal Family Court, Chennai.



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2. It is the case of the petitioner / wife that her marriage with the respondent was solemnized on 23.11.2017 and out of the wedlock, a female child was born on 31.07.2018. It is further case of the petitioner that she was diagnosed with Tuberculosis and the mother of the respondent prevented him spending money for her medical treatment. Subsequently, she was driven away from the matrimonial home and was abused in front of the public, which had resulted in lodging a complaint before All Women Police Station, Thiruporur, Kanchipuram in CSR No.60 of 2019 on 02.03.2019.

3. It is further case of the petitioner that she had filed a Maintenance Case in M.C.No.309 of 2019 before the V Additional Family Court, Chennai, in which, the respondent herein was directed to pay a monthly maintenance of Rs.10,000/- each to the petitioner and her child. It is now alleged that the child has forcibly been abducted from her custody and the respondent also filed a case for divorce before the Family Court, Dindigul. As the petitioner has been residing in Chennai, she seeks transfer of the case to Chennai.



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4. A counter affidavit has been filed by the respondent, in which it is stated that a false complaint has been given against the respondent, besides filing M.C.No.309 of 2019 before the V Additional Family Court, Chennai. It is further stated that the intention of the petitioner is to harass his parents, child and the respondent by lodging as many as FIRs against them and she has also been threatening via emails by sending indecent messages and therefore, he strongly objected to the transfer of the case.

5. Learned counsel for the petitioner submitted that the petitioner has been facing difficulties in attending to the Court at Dindigul, as the distance is more than 450 kms from Chennai, which causes both physical and financial strain to the petitioner and there is none to accompany her to Dindigul for every hearing. He further submitted that the object of the legislation is very clear that the matter can be transferred to the place, where the wife resides in terms of the provisions of Section 19(iia) of the Hindu Marriage Act, 1955.



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6. Learned counsel for the respondent, by filing a typeset of papers before this Court in respect of various email and whatsapp communications of the petitioner, contended that she used to always blackmail the respondent and the child and caused mental distress, by making the life of the respondent so miserable.

7. It is no doubt true that normally, Courts will lean in favour of the wife and transfer the case to the jurisdiction where wife resides. In this case, on going through the averments, pleadings and counter affidavit, there were several criminal cases filed by the petitioner against the respondent and his family and therefore, this Court is of the view that it may not be proper or conducive to transfer the case to Chennai as sought by the petitioner and in the interest of justice, both the parties can conduct the proceedings in a common place.

8. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of, with a direction to the Family Court, Dindigul to transfer the entire file / case records relating to H.M.O.P.No.199 of 2024 to the file of



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the Family Court, Villupuram and on such transfer, the Family Court, Villupuram shall dispose of the case on its own merits as expeditiously as possible. No cost. Consequently, connected Miscellaneous Petition is closed.

28.11.2024

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order
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To:

1. Family Court, Dindigul
2. Family Court, Villupuram

N.SATHISH KUMAR,J.,



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