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Tr.C.M.P(MD)No.313 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.08.2024

Pronounced on : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.313 of 2024

and

C.M.P(MD)No.7118 of 2024

Ramyadevi

... Petitioner

Vs.

Parthasarathy

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No. 287 of 2024 on the file of the Family Court, Salem and transfer the same to the Family Court, Trichy.

For Petitioner : Ms.P.Sheela

For Respondent : Mr.Aayiram K.Selvakumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in H.M.O.P.No.287 of 2024 pending on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Trichy.



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2. The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 29.10.2020 as per Hindu Rites and Customs. Due to misunderstanding between them, the petitioner and the respondent are living separately. Thereafter, the respondent filed H.M.O.P.No.287 of 2024 before the Family Court, Salem, seeking divorce.

3. The learned counsel for the petitioner has submitted that the petitioner was driven out by the respondent for demanding more dowry. Now, she is residing with her aged father in Trichy. She is jobless and she is also depending on the income of her old parents. She is not financially capable to conduct the case at Salem. In the above circumstances, the petitioner has filed this present Transfer Civil Miscellaneous Petition.

4. Per contra, the learned counsel for the respondent objected the petition. He further submitted that because of adamant character, the petitioner herself left the matrimonial home. The respondent is now jobless and maintaining his mother. Moreover, the petitioner used to



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give police complaints one after another to harass the respondent.

Further, the petitioner has filed this petition only to harass the respondent.

5. Submissions of both sides considered. The respondent and the petitioner are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the respondent filed the petition for divorce before the Family Court, Salem. As per number of decisions of the Hon'ble Supreme Court, it is well settled proposition of law, 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. Therefore, taking note of the settled position of convenience of the wife in matrimonial cases, I am of the view that the present petition filed by the wife is to be allowed.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.287 of 2024 pending on the file of the Family Court, Salem, is hereby withdrawn and transferred to the file of the Family Court, Trichy. The learned Judge, Family Court, Salem is directed to transmit the entire records pertaining to the case in H.M.O.P.



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No.287 of 2024 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Family Court,
Salem.
- 2.The Family Court,
Trichy.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.313 of 2024
and
C.M.P(MD)No.7118 of 2024

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