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Tr.C.M.P(MD)No.507 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.10.2024

Pronounced on : 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.507 of 2024

and

C.M.P(MD)No.11995 of 2024

P.Balachandrabose

... Petitioner

Vs.

Sanjana

... 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. 300 of 2024 on the file of the Family Court, Tiruchirappalli and transfer the same to the file of the Sub Court, Uthamapalayam, Theni.

For Petitioner : Mr.S.Maruthu Pandian

For Respondent : Mr.A.Haja Mohideen

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the H.M.O.P.No.300 of 2024 on the file of the Family Court, Tiruchirappalli and transfer the same to the file of the Sub Court, Uthamapalayam.



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2. The facts in brief:

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The petitioner is the husband of the respondent. The petitioner got love cum arranged marriage with the respondent on 15.03.2021 at Trichy. Out of wedlock, they were blessed with a female child. During their marital life, petty quarrels occurred, and the respondent went to parents home. The respondent filed H.M.O.P.No.300 of 2024 before the Family Court, Trichy. Hence, the petition is filed.

3. The learned counsel for the petitioner has submitted that the respondent started quarrels with the petitioner and his mother and left the matrimonial home. The petitioner is working at Qatar and he is maintaining his 70 years old mother. The petitioner finds it very difficult to attend the Family Court, Trichy as the petitioner's appearance is insisted. The petitioner is ready for reunion. So, this petition may be allowed.

4. Per contra, the learned counsel for the respondent objected the petition. The learned counsel further submitted that the respondent was subjected to severe torture and cruelty by the petitioner and his family members at the matrimonial home, her finger was broken two times and



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also one time her leg was broken. The respondent is apprehending further threats by the petitioner and family members at Uthamapalayam.

Moreover, the respondent is residing along with her 2 years old female child with her parents at Trichy. So, the respondent's convenience has to be considered.

5. Submissions of both sides considered. The petitioner and the respondent are husband and wife. Due to misunderstandings, they are living separately and in such circumstances, the respondent filed the petition for divorce against the husband on the ground of cruelty and the same is pending as H.M.O.P.No.300 of 2024 before the Family Court, Trichy. The petitioner's reason for transfer is that he is working at Qatar and also maintaining his 70 years old mother. The respondent states that she is living with her parents at Trichy along with 2 years old female child as she was subjected to torture and cruelty by the petitioner.

6. It is well settled proposition of law, whenever the transfer petition is filed upon 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 the



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convenience of the wife in matrimonial cases, I am of the view that the present petition filed by the petitioner/husband is liable to be dismissed.

7. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.11.2024

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

To

- 1.The Family Court,
Tiruchirappalli.
- 2.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
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and
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