



Tr.C.M.P(MD)No.718 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.10.2024

Pronounced on : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.718 of 2023

and

C.M.P(MD)No.16105 of 2023

T.Sakthivelan

... Petitioner

Vs.

D.Janani

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.3424 of 2023 on the file of VI Principal Family Court, Madras and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.V.Sriram

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw H.M.O.P.No.3424 of 2023 on the file of the VI Principal Family Court, Madras and to transfer the same to the file of the Family Court, Madurai.



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2. The petitioner is the husband of the respondent. The marriage between the petitioner and the respondent was solemnized on 14.02.2018. Out of wedlock, no issue to them. During their marital life misunderstanding arose between them, the respondent left the matrimonial home. Thereafter, the respondent has filed H.M.O.P.No.3424 of 2023 before the VI Principal Family Court, Chennai seeking divorce.

3. The learned counsel for the petitioner has submitted that the respondent had illicit intimacy with one K.Sundarapandi and after his warning, she continued. In the meanwhile, the respondent left the matrimonial home in the month of June 2023. After that, the respondent filed the divorce petition before the VI Principal Family Court, Chennai against the petitioner. The petitioner maintains his aged disabled mother as his father left them at an early age. The petitioner finds it difficult to attend the Court at Chennai leaving his disabled mother. Moreover, whenever the petitioner attends the Court, the respondent used to threaten him. The petitioner filed police complaints against the respondent and produced a copy of the same. The petitioner apprehends fear at the instance of the respondent again. So, the petition may be allowed.



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4. Eventhough notice to the respondent served and the name of the respondent printed in the cause list, she did not appear either in person or through counsel.

5. Submissions of the petitioner's side considered. The petitioner and the respondent are husband and wife. Due to misunderstanding, they are living separately. It is alleged that in such circumstances, the respondent left the matrimonial home and thereafter, she filed the petition for divorce against the petitioner on the ground of cruelty and the same is pending as H.M.O.P.No.3424 of 2023 before the VI Principal Family Court, Chennai.

6. The petitioner's reason for transfer is that he is maintaining his aged mother who is a disabled person as his father left at early age. The further reason stated by the petitioner is that he has been threatened by the respondent and he has filed a police complaint. The petitioner filed petition receipts issued by the Thiruppalai Police Station, Madurai City and High Court Police Station, Flower Bazaar. It is stated in the petition receipt that on 15.02.2024 at about 11.40 hours the petitioner was threatened and forced to give consent for divorce on the next hearing. Hence, the apprehension of the petitioner is a reasonable one for transfer. Though it is a settled position that whenever the transfer petition is filed in matrimonial disputes, the



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convenience of the wife shall be given preference, the respondent did not turn up for hearing in spite of notice served. Therefore, considering the reason stated by the petitioner, this Court is inclined to allow this petition.

7. In the result, this Transfer Miscellaneous Petition is allowed. The petition in H.M.O.P.No.3424 of 2023 on the file of the VI Principal Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Madurai for disposal in accordance with law. The learned Judge, VI Principal Family Court, Chennai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.3424 of 2023 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.

06.11.2024

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



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To

- 1.The VI Principal Family Court,
Madras.
- 2.The Family Court,
Madurai.
- 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.718 of 2023
and
C.M.P(MD)No.16105 of 2023

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