



Tr.CMP.No.458 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

Tr.CMP.No.458 of 2025
and CMP.Nos.10808 & 10809 of 2025

Mr.G.Bharath

... Petitioner

vs.

Mrs.V.Vaishnavi

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the M.C.No.81 of 2025 pending on the file of the Chief Judicial Magistrate Court, Tirupathur and transfer the same to the Family Court at Chennai.

For Petitioner : Mr.K.Kathiresan

For Respondent : Mr.M.Arun

ORDER

This petition has been filed to withdraw M.C.No.81 of 2025, pending on the file of the Chief Judicial Magistrate Court at Tirupathur and transfer the same to the file of the Family Court at Chennai.



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2. The case of the petitioner is that the petitioner is working in Central Government in Food Safety and Standard Authority of India (FSSAI) as Technical Officer at Gujarat. The marriage between the petitioner and the respondent/Wife was solemnized on 14.02.2022 at Vellore as per the Hindu Rites and Customs. From the inception of marriage, the petitioner and the respondent were leading the marital life happily and peacefully in Gujarat from May, 2022 and they have been residing together till August, 2024 at Gujarat. Thereafter, the respondent started misunderstanding and made false allegations against the petitioner.

3. In the month of August, 2022, the respondent left the matrimonial home and went to her parental home. On February 2023, the petitioner went to her parental home and convinced and brought her back to matrimonial home. From August, 2024, the petitioner and the respondent are living separately and the respondent filed a maintenance case in M.C.No.81 of 2025 before the Chief Judicial Magistrate Court, Tirupathur. According to the petitioner, he has to travel from Gujarat to Tirupathur for each and every hearing and the distance of travel is about 3400 Kms to and fro and it would be convenient for the petitioner to attend



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the hearing, if the case in M.C.No.81 of 2025 is transferred to the Family Court at Chennai, which is a common place for both of them and hence, he has filed the instant petition.

4. The learned counsel appearing for the petitioner would submit that the travel time and expenses for travel is more and it is highly inconvenient for the petitioner to attend each and every hearing and as a Government servant employed in Gujarat, he cannot frequently take leave from his job to attend the hearing at Tirupathur and Chennai, being a metro city, can accommodate remote or hybrid hearings more easily and has a better travel connectivity by train or airways and no prejudice would be caused to the respondent if the petition for maintenance is transferred from the file of the Chief Judicial Magistrate Court, Tirupathur to the Family Court at Chennai.

5. *Per contra*, learned counsel appearing for the respondent would submit that if the case is transferred to Chennai, then the respondent have to travel from Tirupathur to Chennai i.e., around 220 Kms, which would cause hardship to the respondent and prays for dismissal of this petition.



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6. Heard the learned counsel for the parties and perused the materials available on record.

7. Initial burden lies on the petitioner to make a strong case for transfer. As a general rule, the Court should not interfere unless expenses and difficulties of trial would be so great so as to leave injustice or the case has been filed in a particular Court for the purpose of causing injustice.

8. According to the petitioner, he is having permanent residence at No.25, Tiruvallurvar Nagar, Shangamuga Nagar, 5th Cross, Thorapadi, Vellore. The petitioner is working in Central Government in Food Safety and Standard Authority of India as Technical Officer at Gujarat. The respondent/wife has filed a maintenance case in M.C.No.81 of 2025 on the file of the Chief Judicial Magistrate, Tirupathur, where she is residing and the same is pending for adjudication. The reasons stated in the affidavit is that the petitioner is unable to travel from his work place from Gujarat to Tirupathur and if he comes through airways, he should come to Chennai and then have to proceed to Tirupathur Court



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which is at a distance of around 220 Kms. and for that reason, he cannot travel to Tirupathur frequently for all hearings, is not acceptable one. The respondent / wife is residing at Tirupathur and if the case in M.C.No.81 of 2025 is transferred to the Family Court at Chennai, it would cause prejudice to the respondent/wife . This Court finds no reason to warrant interference and finds no merit in this petition and accordingly, this petition is liable to be dismissed.

9. However, considering the distance of travel from Gujarat to Tirupathur and that the petitioner is working in Central Government job at Gujarat, the personal appearance of the petitioner in the case in M.C.No.81 of 2025 on the file of the Court of Chief Judicial Magistrate, Tirupathur, is dispensed with. It is also made clear that the petitioner shall engage a counsel to contest the maintenance case on his behalf before the Chief Judicial Magistrate Court at Tirupathur and the petitioner shall appear in person before the Court concerned as and when his personal appearance is required before the Court below.

10. With the above observations, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are



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also dismissed.

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Intex : Yes/No

Internet : Yes/No

Jvm

To
The Court of Chief Judicial Magistrate,
Tirupathur.

M.JOTHIRAMAN, J.

Jvm



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