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Tr.C.M.P(MD)No.16 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.02.2025
Pronounced on : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

**Tr.C.M.P(MD)No.16 of 2025
and
C.M.P(MD)No.372 of 2025**

S.Uma Maheshwari

... Petitioner

Vs.

G.Chakaravarthy

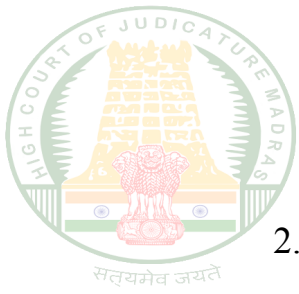
... Respondent

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.348 of 2024 on the file of the Family Court, Thanjavur and to transfer the said case to the Family Court, Trichy.

For Petitioner : Mr.C.Vakeeswaran
For Respondent : Mr.T.M.Lankaram

ORDER

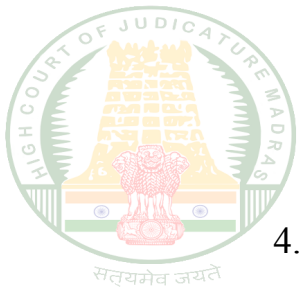
This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in H.M.O.P.No.348 of 2024 from the file of the Family Court, Thanjavur and to transfer the same to the file of the Family Court, Trichy.



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2. The petitioner herein is the wife of the respondent. The marriage between the petitioner and respondent was solemnized on 22.08.2022 at Thanjavur according to Hindu rites and customs. It is alleged that as the respondent and his family members harrassed the petitioner by demanding more dowry, misunderstanding arose between them and lastly the petitioner was thrown out from the matrimonial house. She is now residing with her parents at Trichy. Thereafter, the respondent filed the petition in H.M.O.P.No. 348 of 2024 before the Family Court, Thanjavur, seeking divorce against the petitioner.

3. The learned counsel for the petitioner has submitted that the petitioner was forced to leave the matrimonial home about one year after the marriage. She is now residing with her aged parents at Trichy without any means. She is solely depending on the income of her parents. She has no means to travel 120 km to conduct the case at Thanjavur from Trichy. Moreover, the respondent has not been paying any maintenance to the petitioner. Hence, the petitioner has filed M.C.No.1 of 2025 against the respondent seeking maintenance. In the above circumstances, the petitioner has filed this present Transfer Civil Miscellaneous Petition.



4. The learned counsel for the respondent filed a counter and objected the petition. The learned counsel further submitted that the respondent's mother is bedridden and the respondent is the only son to take care of his mother. The petitioner is having two brothers and relatives and his life is not secured. He has to travel to Trichy in case of transfer, leaving his bedridden mother which caused much hardship. The petitioner has filed this petition only to make threat and extract more money from the respondent.

5. Submissions of both side considered. The respondent and the petitioner are husband and wife. Due to misunderstanding they are living separately and it is alleged by the petitioner that she was driven out from the matrimonial home. In such circumstances, the respondent filed the petition for divorce before the Family Court, Thanjavur. It is now stated by the petitioner that she is residing with her aged parents at Trichy and also filed the application U/s 125 of Cr.P.C., seeking maintenance before the District Munsif-cum-Judicial Magistrate Court, Srirangam.

6. These facts are not disputed by the respondent. It is well settled proposition of law by the catena of decisions of the Hon'ble Supreme Court that whenever the transfer petition is filed in matrimonial disputes, the



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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 convenience of the wife in matrimonial cases, this Court is of the view that the present petition filed by the wife is to be allowed.

7. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.348 of 2024 on the file of Family Court, Thanjavur, is hereby withdrawn and transferred to the file of the Family Court, Trichy for disposal in accordance with law. The learned Judge, Family Court, Thanjavur is directed to transmit the entire records pertaining to the case in H.M.O.P.No.348 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.

19.03.2025

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



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To

- 1.The Family Court,
Thanjavur.
- 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.16 of 2025
and
C.M.P(MD)No.372 of 2025

19.03.2025