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Tr.C.M.P(MD)No.20 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.03.2025

Pronounced on : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.20 of 2025

M.Kathiresan

... Petitioner

Vs.

P.Latha

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.452 of 2024 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.A.Ramesh

For Respondent : Mr.S.Arjun

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the H.M.O.P.No.452 of 2024 on the file of the Family Court, Dindigul and to transfer the same to the file of the Family Court, Madurai.



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2. The petitioner herein is the husband of the respondent. The marriage between the petitioner and the respondent was solemnized on 22.11.2015 as per Hindu rites and customs. Out of wedlock, they have been blessed with two female children. Due to misunderstanding, they are living separately. Thereafter, the petitioner filed the petition in H.M.O.P.No.1075 of 2022 before the Family Court, Theni, against the respondent for divorce. As per the order passed by this Court in Tr.C.M.P(MD)No.480 of 2024, dated 21.11.2024, the said divorce petition has been transferred to the Family Court, Dindigul and new number has been assigned as H.M.O.P.No.454 of 2024 and the same is pending.

3. The learned counsel for the petitioner has submitted that the respondent is a psychiatric patient and she was given marriage with the petitioner. She never liked to lead a matrimonial life with the petitioner. The family members of the respondent always harassed and tortured the petitioner and in spite of several talks, the respondent left the matrimonial home. So, the petitioner filed H.M.O.P.No. 1075 of 2022 before the Family Court, Theni and the same was transferred to the Family Court, Dindigul. Whenever the petitioner has been appearing before the Court at Dindigul, he has been tortured by the respondent and particularly the respondent's brother made life threat to the petitioner. Hence, the petitioner



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apprehends fear in attending the Court at Dindigul. Therefore, the petitioner has

filed this transfer petition to transfer the divorce petition to Madurai.

4. The learned counsel for the respondent filed a counter and objected that as per the order passed by this Court, the divorce petition filed by the petitioner was transferred from Theni to Dindigul, considering the convenience of the wife. The petitioner is not ready to proceed further, even though he stated earlier that his petition was pending at the stage of examination of witnesses. The petitioner has not stated where and when the respondent's brother was made the threat and in fact, if it had happened, he might have lodged a complaint, but so far, no complaint on his side before any police station. Only to harass further and drag the main case, the petitioner has filed this petition without filing any review or appeal against the earlier order passed by this Court in Tr.C.M.P(MD)No.480 of 2024. Therefore, this petition is not maintainable and the petition has no merits.

5. Submissions of both side considered. The petitioner and the respondent are spouses. Due to misunderstanding, they are living separately and in such circumstances, the petitioner filed the petition in H.M.O.P.No.1075 of 2022 on the file of the Family Court, Theni, for divorce on the ground of cruelty and desertion against the respondent. The said petition has been transferred to the Family Court,



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Dindigul, on the transfer petition in Tr.C.M.P(MD)No.480 of 2024 filed by the respondent for the reason that she is residing at her parental home at Nilakottai.

This Court has already come across the issue of transfer in Tr.C.M.P(MD)No.480 of 2024 and passed the order on 21.11.2024. Admittedly, there is no review or appeal filed by the petitioner as submitted by the respondent's side.

6. Now, the petitioner seeks transfer of the same divorce petition again on the ground that he was threatened by the respondent's brother. But, the petitioner has not filed any material to substantiate the same. At this juncture, the respondent stated that the petitioner is not ready to proceed further with the main divorce case and only to harass the respondent further and to drag the proceedings, the petitioner filed this petition, which is taken note of. It is well settled proposition of law by the Hon'ble Supreme Court that 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 and accordingly, the divorce petition has been transferred from Theni to Dindigul as per earlier order. Therefore, considering the above facts and circumstances, this Court is of the view that the petition has no merits and the same is liable to be dismissed.



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No costs.

24.04.2025

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

To

1.The Family Court,
Dindigul.

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
Tr.C.M.P(MD)No.20 of 2025

24.04.2025