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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.03.2025

Pronounced on : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.29 of 2025

and

C.M.P(MD)Nos.700 and 701 of 2025

Krishna Priya

... Petitioner

Vs.

S.Vigneshwaran

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the divorce petition in H.M.O.P.No.5293 of 2024 on the file of the First Additional Principal Judge, Family Court at Chennai and to transfer the same to the file of the Family Court, Ramanathapuram to be jointly tried with the petition for restitution of conjugal rights in H.M.O.P.No.5 of 2025.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.K.Shankar



ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in H.M.O.P.No.5293 of 2024 on the file of the I Additional Principal Judge, Family Court at Chennai and to transfer the same to the file of the Family Court, Ramanathapuram to be jointly tried with H.M.O.P.No.5 of 2025.

2. The petitioner herein is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 20.08.2021 at St.Joseph Community Hall A/c, Dr.Radhakrishnan Road, Vivekanantha Nagar, Chennai, as per Hindu rites and customs and out of wedlock, they have been blessed with a male child named Eniamudhan born on 19.01.2023. It is alleged that upon demanding more dowry, the petitioner was driven out from the matrimonial home. Thereafter, the respondent filed the petition in H.M.O.P.No.5293 of 2024 before the Family Court, Chennai, for divorce. The petitioner has filed H.M.O.P.No.5 of 2025 before the Family Court, Ramanathapuram, for restitution of conjugal rights

3. The learned counsel for the petitioner has submitted that the petitioner was forced to leave the matrimonial home by the respondent and his family members by demanding further more dowry. The petitioner and her male child are living with her parents at Ramanathapuram. She solely depends on her parents and she finds it



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very difficult to travel 510 km to attend the Court at Chennai. 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 petitioner filed the maintenance case in M.C.No.24 of 2023 before the Family Court, Ramanathapuram and the said case was referred to mediation where both parties agreed to live in a separate abode and as instructed, the respondent found a separate house to live with the petitioner and started living together from 01.02.2024, but the petitioner left the matrimonial home in September, 2024 and the petitioner intended to shift residence to Ramanathapuram. Whenever the respondent is appearing before the Court at Ramanathapuram, the petitioner along with her relatives and hooligans, used to threaten him. So, he has no objection to transfer the case to any Court other than Ramanathapuram.

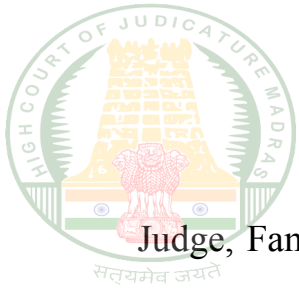
5. Submissions of both side considered. It is not disputed that the marriage between the petitioner and the respondent was solemnized as per Hindu rites and customs and they have been blessed with a male child. Due to misunderstanding, they are living separately. It is alleged by the petitioner that she was driven out



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from the matrimonial home. It is alleged by the respondent that the petitioner and her relatives used to threaten the respondent to live with the petitioner at Ramanathapuram. However, the respondent has not produced any material to substantiate the same, even he has not chosen to take any steps legally known to law. Moreover, these are not to be decided in this petition, which is only for transfer of case. It is well settled proposition of law by the number of decisions of 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. The petitioner is now residing with her parents at Ramanathapuram, which is not disputed by the respondent. 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 and this Court is inclined to transfer the H.M.O.P.No.5293 of 2024 to Ramanathapuram.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.5293 of 2024 on the file of the I Additional Principal Judge, Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Ramanathapuram for joint trial along with H.M.O.P.No.5 of 2025 and for disposal in accordance with law. The learned I Additional Principal



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Judge, Family Court, Chennai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.5293 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 Petitions are closed.

17.04.2025

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

To

- 1.The First Additional Principal Judge,
Family Court, Chennai.
- 2.The Family Court,
Ramanathapuram.
- 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.29 of 2025
and
C.M.P(MD)Nos.700 and 701 of 2025

17.04.2025