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Tr.C.M.P(MD)No.75 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.03.2025

Pronounced on : 25.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.VADAMALAI**

**Tr.C.M.P(MD)No.75 of 2025**

**and**

**C.M.P(MD)No.1885 of 2025**

S.Sruthi

... Petitioner

Vs.

R.Raja Guru Shankar

... Respondent

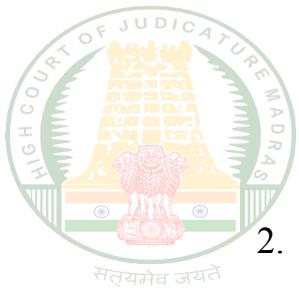
**PRAYER** : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.343 of 2024 pending on the file of the Family Court, Tirunelveli (Tirunelveli District) and transfer the same to the file of the Family Court, Thanjavur (Thanjavur District).

For Petitioner : Mr.K.Pragadeesh Kumar

For Respondent : Mr.C.Nihil Nandha

### **ORDER**

This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in H.M.O.P.No.343 of 2024 from the file of the Family Court, Tirunelveli and to transfer the same to the file of the Family Court, Thanjavur.



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2. The petitioner herein is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 26.01.2023 at Madha Maligai, Tuticorin Road, KTC Nagar, Tirunelveli as per Hindu rites and customs and out of wedlock, they were blessed with a female child on 08.12.2023. It is alleged that due to misunderstanding, they have been residing separately. Thereafter, the respondent filed the petition in H.M.O.P.No.343 of 2024 before the Family Court, Tirunelveli, seeking divorce.

3. The learned counsel for the petitioner has submitted that due to misunderstanding, the petitioner was forced to leave the matrimonial home by the respondent. The petitioner is now living with her parents at Thanjavur along with her one year old female child. She solely depends on her parents without any means and she is struggling for her day to day life. She finds it very difficult to travel 300 km to attend the Court at Tirunelveli. 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 lost his father before marriage. His mother is a heart patient, so he has to look after his



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mother. Moreover, as he is a practicing advocate he might not be in a position

to attend the Family Court at Thanjavur on all hearings. The petitioner is having privilege of leaving the child with her parents. The respondent concedes for transfer of the case to Madurai. Therefore, the petition may be dismissed.

5. Submissions of both side considered. It is not disputed that the marriage between them was solemnized as per Hindu rites and customs and they were blessed with a female child. Due to misunderstanding, they are living separately. It is alleged by the petitioner that she was driven out from the matrimonial home. It is alleged by the respondent that the petitioner has treated the respondent and his family members in a cruel manner. The rival contention could not be decided in this petition. This petition is only for transfer of case.

6. 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 Thanjavur. Their one year old female child is in the custody of the petitioner. These are not disputed by the respondent. Moreover, the respondent is practicing advocate in Tirunelveli. However, on



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the respondent's side submitted that the transfer may be considered to the middle

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place. While the respondent pleads for transfer to Madurai, which will not serve any purpose, both parties have to travel to Madurai. Therefore, taking note of the settled position of the convenience of the wife in the 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.343 of 2024 on the file of Family Court, Tirunelveli, is hereby withdrawn and transferred to the file of the Family Court, Thanjavur for disposal in accordance with law. The learned Judge, Family Court, Tirunelveli, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.343 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.

**25.03.2025**

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



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To

- 1.The Family Court,  
Tirunelveli.
- 2.The Family Court,  
Thanjavur.
- 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.75 of 2025**  
**and**  
**C.M.P(MD)No.1885 of 2025**

**25.03.2025**