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Tr.C.M.P(MD)No.214 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.04.2025

Pronounced on : 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.214 of 2025

and

C.M.P(MD)No.5404 of 2025

M.Silambarasan

... Petitioner

Vs.

1.Muthulavanya

2.Minor Chitra

... Respondents

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in M.C.No.3 of 2025 on the file of the District Munsif-cum-Judicial Magistrate Court, Singampurnari and transfer the same to the Family Court, Madurai to try along with H.M.O.P.No.1319 of 2024 on its file or any other Court.

For Petitioner : Mr.C.Susikumar
for M/s.Subash Law Office

For Respondents : Mr.P.Thangapandi



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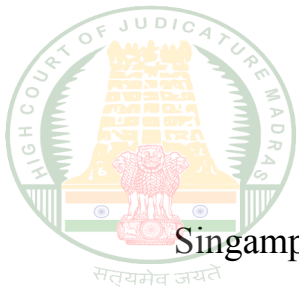
ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in M.C.No.3 of 2025 on the file of the District Munsif-cum-Judicial Magistrate Court, Singampunari and to transfer the same to the file of the Family Court, Madurai to try along with H.M.O.P.No.1319 of 2024.

2. The petitioner is the husband of the first respondent. The marriage between the petitioner and the first respondent was solemnized on 08.09.2017 and out of wedlock, they have been blessed with a female child, the second respondent herein. Due to misunderstanding that arose between them, they are living separately. It is further alleged that the first respondent misbehaved and abused the petitioner and his family members and she left the matrimonial home without any reason. Thereafter, the petitioner filed the petition in H.M.O.P.No.1319 of 2024 before the Family Court, Madurai.

3. The learned counsel for the petitioner has submitted that the petitioner filed the main petition for divorce on the ground of cruelty against the first respondent. The first respondent has filed M.C.No.3 of 2025 before the District Munsif-cum-Judicial Magistrate Court, Singampunari. The distance between the first respondent's native village and the



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Singampuneri is 30 km and the distance to Madurai from her native village is 45 km. The first respondent has been appearing in the Family Court, Madurai as well as the Court at Singampunari for the past one year. Moreover, as per Section 7 of the Family Court Act, the first respondent can very well file a petition for maintenance before the Family Court. The petitioner is working in software company. The first respondent is an educated lady and she is also working at software company and is earning decent salary, more than the petitioner's earnings. Therefore, the first respondent will not be prejudiced in case of transfer and the petitioner also undertakes to pay expenses to the first respondent for attending Court. So, this Transfer Civil Miscellaneous Petition may be allowed.

4. The learned counsel for the first respondent objected the petition. The learned counsel further submitted that the first respondent is residing along with her 5 years old female child. The learned counsel prays for transfer of both cases in H.M.O.P.No.1319 of 2024 and M.C.No.3 of 2025 to the Court at Thirumayam.

5. Both side arguments have been carefully considered. It is admitted that the parties are legally wedded spouses and they are blessed with a female



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child and also they are working in software company. The petitioner stated that the first respondent is residing at her native place, from where she is attending the Family Court, Madurai as well as the District Munsif-cum-Judicial Magistrate Court, Singampunari, by travelling 45 km and 30 km respectively. This statement was not denied by the first respondent and also she has not denied her avocation. The first respondent is also been appearing before the Family Court, Madurai, for the past one year, which is also not disputed.

6. The first respondent is educated lady and also working in software company. Moreover, the petitioner undertakes to pay the cost for appearance of the first respondent for every hearing. The first respondent has also sought transfer of both cases to Thirumayam without filing transfer petition. She has not sought transfer to Sivagangai. These facts are also to be taken into consideration. Therefore, considering the convenience of both parties and other circumstances, this Court is inclined to allow this petition, granting transfer as sought by the petitioner with condition.

7. In the result, this Transfer Civil Miscellaneous Petition is allowed. The petition in M.C.No.3 of 2025 on the file of the District Munsif-cum-



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Judicial Magistrate Court, Singampunari, is hereby withdrawn and transferred

to the file of the Family Court, Madurai, to try along with H.M.O.P.No.1319

of 2024 and for disposal in accordance with law. The learned District Munsif-

cum-Judicial Magistrate, Singampunari, is directed to transmit the entire

records pertaining to the case in M.C.No.3 of 2025 to the transferee Court,

within a period of two weeks from the date of receipt of a copy of this order.

The petitioner is directed to pay Rs.500/- (Rupees Five Hundred only) to the

first respondent on her physical appearance on each hearing before the Family

Court, Madurai. No costs. Consequently, the connected Civil Miscellaneous

Petition is closed.

23.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

VSD

To

1.The District Munsif-cum- Judicial Magistrate Court,
Singampunari.

2.The Family Court, Madurai,

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.214 of 2025
and
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