

Tr.C.M.P(MD)No.577 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.02.2025

Pronounced on : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.577 of 2024

and

C.M.P(MD)No.13552 of 2024

M.Periyakaruppan

... Petitioner

Vs.

A.L.Visalakshi

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No. 740 of 2024 from the file of the Principal Family Court, Chennai to the Family Court, Sivagangai.

For Petitioner : Mr.S.Ramasundarvijayraj

For Respondent : No Appearance



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ORDER

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2. The petitioner is the husband of the respondent. The marriage between the petitioner and the respondent was solemnized on 09.06.2016 at S.P.N.Thirumana Mandabam, P.R.M.P. Street, Pallathur, Sivagangai as per Hindu rites and customs. Out of wedlock, they have been blessed with two daughters namely Chinthamani (aged 6 years) and Kothaimeena (aged 4 years). It is alleged that due misguidance of the respondent's parents, the respondent changed her attitude and started to behave with the petitioner vigorously and thereafter misunderstanding arose between them, resulting they are living separately. Thereafter, the respondent filed the petition in H.M.O.P.No.740 of 2024 before the Principal Family Court, Chennai for dissolving the marriage on the ground of cruelty.

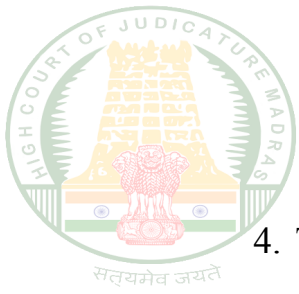
3. The learned counsel for the petitioner has submitted that the petitioner is working as Junior Works Manager at Ordinance Factory, Tiruchirappalli.



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The respondent herself left the petitioner and went to her parental house with

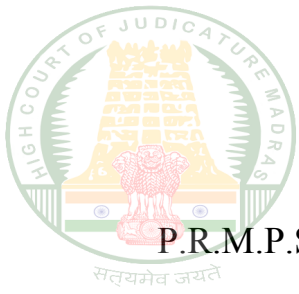
two children in Thirumangalam, Madurai District. The respondent used to torture the petitioner and to disturb the petitioner, she has filed several cases before the different Courts by managing different addresses. The respondent has filed D.V.C.No.3 of 2021 before the Judicial Magistrate Court, Devakottai and also filed H.M.O.P.No.46 of 2021 before Sub Court, Devakottai for restitution of conjugal rights. Then the respondent filed the present H.M.O.P.No.740 of 2024 before the Principal Family Court, Chennai. Then she filed Crl.O.P(MD) No.14826 of 2022 before this Court to transfer DVC.No.3 of 2021 from the Judicial Magistrate Court, Devakottai to the Judicial Magistrate Court, Poonnamallee. She has also filed a police complaint before the AWPS, Thirumangalam showing her address at T.Kunnathur, Madurai District. In all these proceedings the respondent used different address and also changed three counsels. The petitioner's presence at the office is must due to his nature of work. The petitioner finds it very difficult to travel 500 km from Trichy to Chennai, which makes it difficult to attend his work. In the above circumstances, the petitioner has filed this present Transfer Civil Miscellaneous Petition.



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4. The learned counsel for the respondent reported no instruction as he handed over the case bundle to the respondent. So, the name of the respondent has been printed in the cause list. In spite of opportunities given, the respondent has not appeared and there is no representation on her behalf.

5. It is not disputed that the marriage between the parties was solemnized as per Hindu rites and customs and they are spouses and they are having two female children. Due to misunderstanding, they are living separately. It is alleged by the petitioner that the respondent herself left the matrimonial home along with two children to Thirumangalam and thereafter, she has filed several litigations before the different Courts mentioning different addresses. On perusal of records, it is found that the respondent has filed HMOP.No.740 of 2024 before the Family Court, Chennai by mentioning the address as “M.Block, 10/08, TNHB LIG Apartment, West Natesan Nagar, Virugambakkam, Chennai’. She has filed another case in D.V.C.No.3 of 2021 before the Judicial Magistrate Court, Devakottai showing her address as ‘No.11C, Thondiyaar Veethi, Devakottai’. On 06.12.2020 she has lodged a complaint before the AWPS, Thirumangalam by mentioning the address “5/11, Muthukalampatti Veethi, T.Kunnathur, Madurai District.” On 30.01.2021, she has lodged another complaint before AWPS Karaikudi by showing the address as “No.67,

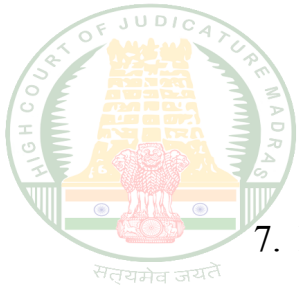


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P.R.M.P.Stret, Pallathur, Karaikudi Taluk, Sivagangai District.” Another

WEB COMPLAINT was lodged by her before the Devakottai Police Station on 06.03.2022 by mentioning the address “11C, Thondiyaar Street, Devakottai Town, Sivagangai District.” The respondent has filed Crl.O.P(MD) No.14826 of 2022 before this Court by mentioning the address “Nisha Ladies Hostel, Indra Nagar, Karaiyanchavadi, Chennai’. Therefore, these facts are substantiated by filing relevant materials by the petitioner in the typed set. But, the respondent has not come forward to deny these facts.

6. Moreover, on perusal of this petition diary proceedings, it is clear that on 23.01.2025 both parties submitted that the matter was pending before mediation, then the case was posted to 17.02.2025 on which date, the learned counsel for the respondent submitted that he already handed over the case bundle to the respondent and reported no instruction and so, the matter had been adjourned to 24.02.2025. The name of the respondent has been printed in the list, however, there is no representation on the respondent side. These facts and circumstances strengthen the version of the petitioner who seeks transfer of the case from Chennai to Sivagangai. Therefore, this Court is of the view that the present petition filed by the petitioner is to be allowed.



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7. In the result, this Transfer Civil Miscellaneous Petition is allowed.

The petition in H.M.O.P.No.740 of 2024 on the file of Principal Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Sivagangai for disposal in accordance with law. The learned Judge, Principal Family Court, Chennai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.740 of 2024 to the transferee Court, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.03.2025

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

To

- 1.The Principal Family Court,
Chennai.
- 2.The Family Court,
Sivagangai.
- 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.577 of 2024
and
C.M.P(MD)No.13552 of 2024

21.03.2025