

Tr.C.M.P(MD)No.601 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.02.2025

Pronounced on : .03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.601 of 2024

and

C.M.P(MD)No.13945 of 2024

A.Selvi

... Petitioner

Vs.

V.Meenakshi Sundaram

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to pass an order withdrawing the suit in O.S.No.13 of 2024 from the file of the District Munsif Court, Periyakulam and to transfer the same to the file of the District Munsif Court, Ramanathapuram.

For Petitioner : Mr.J.Barathan

For Respondent : Mr.S.C.Herold Singh



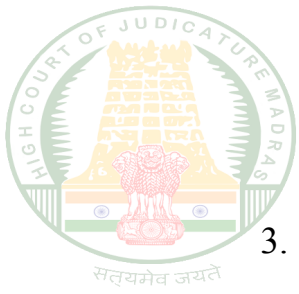
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ORDER

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This Transfer Civil Miscellaneous Petition is filed by the petitioner U/s. 24 of the Civil Procedure Code, seeking for an order to withdraw the case in O.S.No.13 of 2024 from the file of the District Munsif Court, Periyakulam and to transfer the same to the file of the District Munsif Court, Ramanathapuram.

2. The learned counsel for the petitioner has submitted that the petitioner is the wife of the respondent. The respondent has filed a suit in O.S.No.13 of 2024 on the file of the District Munsif Court, Periyakulam against the petitioner for injunction restraining the petitioner from alienating or encumbering the suit properties. The suit properties consist of eight items, out of eight items seven items are situated in Ramanathapuram District and one property is situated at Periyakulam. Item No.1 property stands in the names of the petitioner and the respondent, all other items stand in the name of the respondent and they are her exclusive properties. The respondent was all along residing at Ramanathapuram. The petitioner is residing at Ramanathapuram and she is having custody of two children. She finds it very difficult to travel nearly 200 km to attend the case at Periyakulam and the convenience of wife has to be considered. Therefore, the present petition is filed.



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3. The learned counsel for the respondent has filed a counter and submitted the averments that the respondent and the petitioner got intercaste marriage on 08.12.2006 and out of wedlock they were blessed with two daughters. He worked as Marine Instructor in Mohammed Sadak Polytechnic College. He also worked in abroad and earned more money. He purchased the suit properties in the name of the petitioner from out of his own earnings. The sale deed contents show the fact. As the petitioner is of adamant character, now she dislikes to live with the respondent. The petitioner was involved in the criminal case and she was suspended from the service. Now, the respondent with children are residing at Periyakulam and the children are in the custody of the respondent, school fees are also paid by the respondent. The ration card, voter's list and aadhaar card of the respondent and children were changed to the address at Periyakulam. The petitioner has suppressed all these facts. The petitioner has filed this petition only to harass the respondent.

4. On hearing both sides and on perusal of records, it is seen that the petitioner has produced a copy of plaint in O.S.No.13 of 2024. On perusal of the suit properties, item No.1 is situated at Periyakulam District and items 2 to 8 are situated in Ramanathapuram District. The petitioner and the respondent are spouses and they are having two female children. The respondent is living



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separately along with two children. The petitioner states that she is living at Ramanathapuram with her female children. The respondent submits that the children are living with him and he is maintaining the children by paying school fees and all their expenses.

5. On perusal of records, the aadhaar card, payment of tuition fee and mark sheet of children are filed which show the present address at Periyakulam. The respondent has also produced the voter list and ration card to show the change of address at Periyakulam. There is no dispute that the petitioner is living separately at Ramanathapuram and the respondent is residing at Periyakulam along with his two female children. While being the facts so, the respondent has filed the suit and averred that the respondent purchased the suit properties out of his income in the name of the petitioner and she now intended to convey the properties to her relatives, the respondent came to file the suit seeking an injunction from alienation.

6. Now the petitioner claims that she is the wife of the respondent and she finds it difficult to travel, so the wife's convenience has to be considered. The claim of the wife's convenience is to be considered in the matrimonial cases. This is not a matrimonial case. It is only a original suit filed by the husband



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against the wife seeking an injunction from alienation. The petitioner can conduct the suit by engaging the counsel and she is not required to be present in all hearings except on material hearing and during evidence. Considering the above facts and circumstances, this Court is not inclined to allow this petition.

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

No costs. Consequently, the connected Miscellaneous Petition is closed.

.03.2025

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

To

- 1.The District Munsif Court,
Periyakulam.
- 2.The District Munsif 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.601 of 2024
and
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