

Tr.C.M.P(MD)No.701 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.02.2025

Pronounced on : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.701 of 2024

and

C.M.P(MD)No.16899 of 2024

Rajesh

... Petitioner

Vs.

Pandiyammal

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in M.C.No.25 of 2024 on the file of the Judicial Magistrate Court, Thirumangalam and transfer the same to the file of the Judicial Magistrate Court, Manapparai.

For Petitioner : Mr.A.Joel Paul Antony

For Respondent : Mr.R.Sundar



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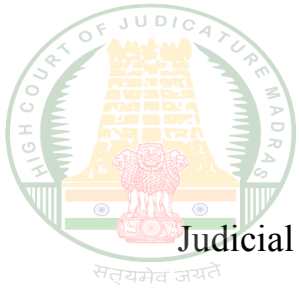
ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the case in M.C.No.25 of 2024 from the file of the Judicial Magistrate Court, Thirumangalam and to transfer the same to the file of the Judicial Magistrate Court, Manapparai.

2. The petitioner is the husband of the respondent. The marriage between the petitioner and respondent was solemnized on 15.09.2014 as per Hindu Customs and Rites. Out of wedlock, they were blessed with two female children named Divyadharshini (9 years) and Lekha Sri (4 years). During their marital life, misunderstanding arose between them and they are living separately. The petitioner has filed H.M.O.P.No.84 of 2024 before the Sub Court, Manapparai against the respondent for divorce. The respondent has also filed M.C.No.25 of 2024 before the Judicial Magistrate Court, Tirumangalam seeking maintenance. Hence, this petition is filed.

3. The learned counsel for the petitioner has submitted that the petitioner is having 50% disability and he is maintaining his two children who are studying at Manaparai. The respondent is rowdy and cases are pending against her and a criminal case in C.C.No.113 of 2014 is pending before the



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Judicial Magistrate Court, Tirumagnalam. The divorce petition in HMOP.No.

84 of 2024 is pending before the Sub Court, Manapparai. The petitioner apprehends of fear at the hands of the respondent at Tirumangalam. So, this petition may be allowed.

4. Per contra, the learned counsel for the respondent objected the petition. The petitioner is not having any disability and he is riding motorcycle. The children are residing with the respondent, after filing the maintenance case the petitioner abducted the children, and the children were abused by his relatives. The petitioner falsely alleged that the respondent was rowdy by relying on the case in C.C.No.113 of 2014, in fact, the said case ended in acquittal. If the MC case is transferred to Manapparai, the respondent will be put irreparable hardship and she is unable to travel long distances. The respondent being a woman, her convenience has to be considered.

5. Submissions of both side and citations considered. The petitioner and the respondent are husband and wife. Due to misunderstanding, they are living separately and in such circumstances, the petitioner has filed H.M.O.P. No.84 of 2024 before the Sub Court, Manaparai, seeking divorce



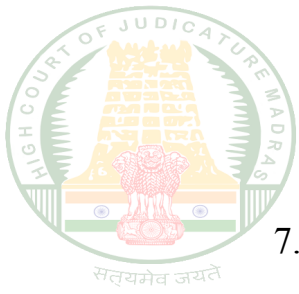
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and the respondent has filed M.C.No.25 of 2024 before the Judicial Magistrate

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Court, Tirumagnalam. The allegation of the respondent that the petitioner is not having disability and he is riding motorbike is not specifically disputed by the petitioner. The mere stay of children with the petitioner and they are studying in his town is not a ground for transfer, while the respondent alleged that the children were abducted by the petitioner. However, the same is not to be looked into in this petition and it is to be decided by the trial Court after evidence.

6. It is admitted that the respondent is residing at Tirumagnalam where she filed the maintenance case. It is well settled proposition of law 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. Therefore, taking note of the settled position of the convenience of the wife in matrimonial cases, I am of the view that the present petition filed by the petitioner/husband is liable to be dismissed.



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

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

24.03.2025

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

To

1. The Judicial Magistrate Court,
Thirumangalam.
2. The Judicial Magistrate Court,
Manapparai.
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.701 of 2024
and
C.M.P(MD)No.16899 of 2024

24.03.2025