

Tr.C.M.P(MD)No.745 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.03.2025

Pronounced on : 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.745 of 2024

and

C.M.P(MD)No.17853 of 2024

M.Prema

... Petitioner

Vs.

Maheswaran

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.86 of 2022 on the file of the Sub Court, Chidambaram and transfer the same to the Family Court, Trichy to be tried by clubbing the same with the petition in H.M.O.P.No.574 of 2023 filed by the petitioner herein seeking for restitution of conjugal rights.

For Petitioner : Mr.K.Siva Balan

For Respondent : Mr.P.T.Ramesh Raja



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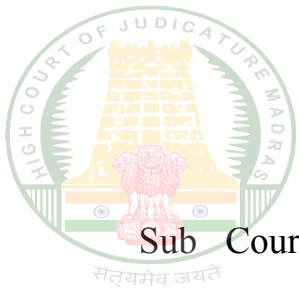
ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the H.M.O.P.No.86 of 2022 on the file of the Sub Court, Chidambaram and to transfer the same to the file of the Family Court, Tiruchirappalli to try along with H.M.O.P.No.574 of 2023.

2. The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 09.09.2015 at Trichy as per Hindu religious rites and customs. Out of wedlock, they have been blessed with a male child born on 18.04.2017. Due to misunderstanding, they are living separately. The petitioner is now residing with her parents. Thereafter, the respondent filed the petition in H.M.O.P.No.86 of 2022 before the Sub Court, Chidambaram, for divorce.

3. The learned counsel for the petitioner has submitted that the petitioner was harassed by the respondent mentally and physically and also by his family members by demanding more dowry. After child birth of the petitioner at her parental house, the respondent did not visit to see the child and refused to take her back to the matrimonial home. The petitioner is residing with her parents at Trichy along with her son. The respondent filed H.M.O.P.No.86 of 2022 before the



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Sub Court, Chidambaram, for divorce. The petitioner filed the petition H.M.O.P.No.574 of 2023 before the Family Court, Trichy, against the respondent for restitution of conjugal rights. But, the respondent did not appear in both cases and he did not appear before the mediation, though the petitioner is struggling for reunion. She solely depends on her parents for day to day life and she finds it very difficult to travel from Trichy to Chidambaram. 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 petitioner is living at Chidambaram only. The petitioner and her son are residing on the first floor of the same building where the respondent is living. The petitioner has shown the address of the petitioner and respondent as the same address in H.M.O.P.No.86 of 2022 before the Sub Court, Chidambaram. The respondent has paid the school fee for his son, who is studying at Chidambaram only. There is no merit in the petition and therefore, the petition may be dismissed.

5. Submissions of both side considered. It is not disputed that the marriage between the petitioner and the respondent was solemnized as per Hindu religious rites and customs and they have been blessed with a male child and that due to



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misunderstanding, they are living separately. Though the petitioner has filed this petition seeking transfer of H.M.O.P.No.86 of 2022 from the Sub Court, Chidambaram, to the Family Court, Trichy, the respondent vehemently objected the petition and submitted that the petitioner is residing at Chidambaram only and that too in the 1st floor of the same building where the respondent is living. The petitioner's side also has fairly conceded about her living at Chidambaram, however, prays time for disposal of the divorce petition within the stipulated time. Therefore, taking note of the petitioner's admission of the residence at Chidambaram, this Court is not inclined to transfer the H.M.O.P.No.86 of 2022 from the Sub Court, Chidambaram.

6. In the result, this Transfer Civil Miscellaneous Petition is dismissed. The Subordinate Judge, Chidambaram, is directed to dispose of the petition in H.M.O.P.No.86 of 2022 on merits within a period of six months from the date of receipt of copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

22.04.2025

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



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To

- 1.The Subordinate Judge,
Chidambaram,
- 2.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.745 of 2024
and
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22.04.2025