

Tr.C.M.P(MD)No.785 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.03.2025

Pronounced on : 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.785 of 2024

and

C.M.P(MD)No.18892 of 2024

S.Sindhuja

... Petitioner

Vs.

Kamaraj

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P.No.634 of 2024 on the file of the Family Court, Tiruchirapalli and transfer the same to the Sub Court, Kumbakonam.

For Petitioner : Mr.S.Surya

For Respondent : Mr.G.R.Satish



Tr.C.M.P(MD)No.785 of 2024

ORDER

WEB COPY This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the H.M.O.P.No.634 of 2024 on the file of Family Court, Tiruchirappalli and to transfer the same to the file of the Sub Court, Kumbakonam.

2. The petitioner is the wife of the respondent. Their marriage was solemnized on 07.09.2022 at A.P.N. Mahal, Melkalkandarkottai, Trichy as per Hindu religious rites and customs. Due to misunderstanding arose between the petitioner and the respondent, the petitioner was thrown out of matrimonial home on 12.02.2024. The petitioner is now residing with her parents. Thereafter, the respondent filed the petition in H.M.O.P.No.634 of 2024 before the Family Court, Trichirappalli, for restitution of conjugal rights.

3. The learned counsel for the petitioner has submitted that the petitioner had an ambition to become an IAS officer before marriage and on condition to continue her education, marriage was solemnized, but the petitioner was not allowed to do the same. It is also alleged that the respondent is only a temporary employee, but he managed to be a permanent employee and married the petitioner and the respondent and his family members started demanding dowry,



Tr.C.M.P(MD)No.785 of 2024

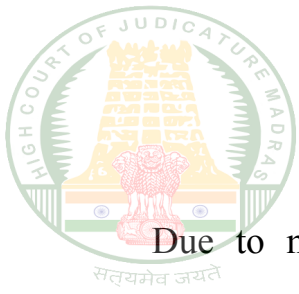
resulting misunderstanding between them. Consequently, the petitioner was

thrown out of matrimonial home by the respondent and his family members.

The petitioner is residing with her parents at Thiruvudaimaruthur. She solely depends on her parents for day to day life, and she finds it very difficult to travel from Thiruvudaimaruthur to attend the Court at Trichy. 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 respondent allowed the petitioner to pursue her further studies and he paid the tuition fee. In fact, he and his cobrother, who was 60% disabled person, went to Thiruvudaimaruthur for police enquiry, where they were threatened by the petitioner and her henchmen. Because of the act of the petitioner and her henchmen, his co-brother felt inconvenience, and later he died. So, the respondent apprehends life threat at Kumbakonam and he has no objection to transfer the case at the middle place, Family Court, Thanjavur.

5. Submissions of both side considered. It is not disputed that the marriage between them was solemnized as per Hindu religious rites and customs.



Tr.C.M.P(MD)No.785 of 2024

Due to misunderstanding, they are living separately. It is alleged by the petitioner that she was driven out from the matrimonial home. It is alleged by the respondent that the petitioner and her henchmen made threat to the respondent. On the petitioner's side, a copy of FIR registered in Crime No.672 of 2024 on the file of the Thiruvidadaimaruthur Police Station was filed to show that his co-brother fainted and died and there was no threat as alleged by the respondent. However, these allegations cannot be looked into in this petition and the same could be adjudicated in the respective cases.

6. This petition is filed seeking only for transfer of case arose out of matrimonial dispute. It is well settled proposition of law by the number of decisions of the Hon'ble Supreme Court 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. The petitioner is now residing with her parents at Thiruvidadaimaruthur and wants to transfer the case to Kumbakonam. The respondent's side stated that he apprehends of fear to attend the Court at Kumbakonam, so he prays for consideration of middle place preferably at Thanjavur Family Court, for which the petitioner has not raised objection and represented as 'leave it to Court'. Therefore, taking note of the settled position of convenience of the wife in



Tr.C.M.P(MD)No.785 of 2024

matrimonial cases and also submissions of both sides, this Court is of the view that the present petition filed by the wife is to be partly allowed and this Court is inclined to transfer the case to the Family Court, Thanjavur.

7. Accordingly, this Transfer Civil Miscellaneous Petition is partly allowed. The petition in H.M.O.P.No.634 of 2024 on the file of the Family Court, Tiruchirappalli, is hereby withdrawn and transferred to the file of the Family Court, Thanjavur, for disposal in accordance with law. The learned Judge, Family Court, Tiruchirappalli, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.634 of 2024 to the transferee Court, within three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

25.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

VSD

To

1.The Family Court, Tiruchirappalli.

2.The Family Court, Thanjavur,

3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

5/6



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Tr.C.M.P(MD)No.785 of 2024

P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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