

Tr.C.M.P(MD)No.353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.08.2024

Pronounced on : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

**Tr.C.M.P(MD)No.353 of 2024**

**and**

**C.M.P(MD)No.7708 of 2024**

Kabilan

... Petitioner

Vs.

1.Suseela

2.Rajathi (Minor)

3.Jayasheela (Minor)

4.Karthikeyan

5.Kalaiselvi

6.Jeyanthi

7.Radhakrishnan

8.Ranjitham

... Respondents

*(2<sup>nd</sup> & 3<sup>rd</sup> Respondents represented by their mother and natural guardian 1<sup>st</sup> respondent)*

**PRAYER** : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the D.V.C.No.19 of 2022 on the file of the Additional Mahila Court, Pudukkottai and transfer the same to any other competent Court at Thanjavur District.

For Petitioner : Mr.S.Sivasubramanian

For R1 to R3 : Mr.R.Jegadeeswaran

For R4 to R8 : No Appearance



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**ORDER**

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw D.V.C.No.19 of 2022 on the file of the Additional Mahila Court, Pudukkottai and to transfer the same to any competent Court at Thanjavur.

2. The petitioner is the husband of the first respondent and their marriage was solemnized on 14.03.2007 at Kandarakottai. Out of wedlock, the respondents 2 and 3 were born to them. Due to misunderstanding between them, they are living separately. The first respondent has filed D.V.C.No.19 of 2022 before the Additional Mahila Court, Pudukkottai.

3. The learned counsel for the petitioner has submitted that after marriage, the petitioner was harassed by the first respondent in so many ways. The petitioner was working abroad and earned more money. Because of torture of the first respondent, he left the job and now he is jobless. The first respondent and his brother are advocates and so the petitioner apprehends of hindrance in conducting case proceedings in Thanjavur. Therefore, the petitioner has filed this present petition



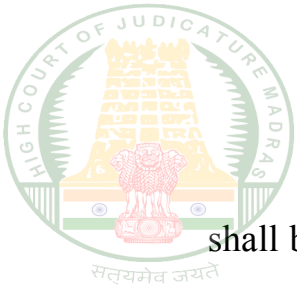
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seeking transfer.

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4. Per contra, the learned counsel for the respondents 1 to 3 objected the petition. He would further submit that the first respondent was thrown out by the petitioner from the matrimonial home. Though the first respondent is an advocate, she is not actively practicing as advocate. The first respondent filed the petition seeking maintenance and the Court has directed the petitioner to pay Rs.7,000/- p.m, but he has not paid any money so far. In order to drag the maintenance proceedings, the present petition is filed.

5. Submissions of both sides considered. The petitioner and the first respondent are husband and wife and they were blessed with two children. Because of misunderstanding, they are living separately. In such circumstances, the first respondent filed the petition under D.V. Act, seeking maintenance and other reliefs. The petitioner's reason for transfer is that the first respondent and her brother are advocates and so he has apprehension. It is well settled proposition of law, whenever the transfer petition is filed in matrimonial disputes, the convenience of the wife should be predominantly looked into and the wife's convenience



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shall be given preference. The residence of the petitioner is not far away

distance from Pudukottai. The petitioner staged only vague allegations.

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.

6. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**06.11.2024**

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

To

- 1.The Additional Mahila Court,  
Pudukkottai.
- 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.353 of 2024**  
**and**  
**C.M.P(MD)No.7708 of 2024**

**06.11.2024**