



Tr.C.M.P.(MD) No.260 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

Tr.C.M.P.(MD) No.260 of 2023

and

C.M.P(MD) No.5738 of 2023

R.Dhivya Lakshmi

... Petitioner

Vs.

A.Subramanian @ Arun

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the F.C.O.P.No.82 of 2023 on the file of the Family Court, Chengalpattu, and to transfer the same to the file of the Sub Court, Devakottai for trial along with H.M.O.P.No.91 of 2023 on the file of the Sub Court, Devakottai.

For Petitioner : Mr.D.Venkatesh

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is preferred by the petitioner/wife for transfer of F.C.O.P.No.82 of 2023 from the file of the



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Family Court, Chengalpet to the file of the Sub Court, Devakottai to be tried along with H.M.O.P.No.91 of 2023 on its file.

2. The learned counsel for the petitioner/wife is present. There is no representation on the side of the respondent/husband.

3. According to the petitioner/wife, the marriage between the petitioner/wife and the respondent/husband took place on 19.09.2021 as per Hindu rites and customs and due to the matrimonial dispute, the petitioner/wife was constrained to file H.M.O.P.No.91 of 2023 under Section 12(1)(a) & 12(1)(c) of the Hindu Marriage Act, 1955, before the Sub Court, Devakottai for divorce and in the mean time, the respondent/husband filed F.C.O.P.No.82 of 2023 under Section 13(1)(1-a) of the Hindu Marriage Act, 1955, before the Family Court, Chengalpet for divorce.

4. It is submitted that H.M.O.P.No.91 of 2023 is posted for appearance of the respondent/husband and F.C.O.P.No.82 of 2023 is posted for appearance of the petitioner/wife. The learned counsel for the petitioner/wife would submit that the distance between the Devakottai and Chengalpet is 350 kms and the petitioner/wife has to travel about 700 kms for every hearing which causes



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great hardship to the petitioner/wife as she has to be accompanied by a male while travelling. In such circumstances, the petitioner prays for transfer of the F.C.O.P.No.82 of 2023 from the file of the Family Court, Chengalpet to the file of the Sub Court, Devakottai for convenience of court practise.

5. Further, the Hon'ble Supreme Court in the case of **Aarti Rani @ Pinki Devi and others Vs Dharmender Kumar Gupta** reported in **2008 (9) SCC 353** held that convenience of woman is to be taken into consideration.

6. Considering the above, F.C.O.P.No.82 of 2023 is directed to be transferred from the file of the Family Court, Chengalpet to the file of the Sub Court, Devakottai for being tried along with H.M.O.P.No.91 of 2023 filed by the petitioner/wife for divorce.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

20.07.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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K.GOVINDARAJAN THILAKAVADI, J.

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To

- 1.The Judge,
Family Court,
Chengalpattu.
- 2.The Judge,
Sub Court, Devakottai.

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