



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

CORAM

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THE HONOURABLE MR.JUSTICE **R. SUBRAMANIAN**

TR.C.M.P. (MD)No.319 of 2020
and
C.M.P. (MD)No.7086 of 2020

Kruthiga : Petitioner /Respondent

Vs.

R.Karthik : Respondent/Petitioner

PRAYER:- The petition filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in H.M.O.P.no.103 of 2020 on the file of the Subordinate Court, Palani and transfer to the same to the file of Subordinate Court, Devakottai.

For Petitioner :Mr.R.Sundar Srinivasan

For Respondent :Mr.C.Senthil Murugan

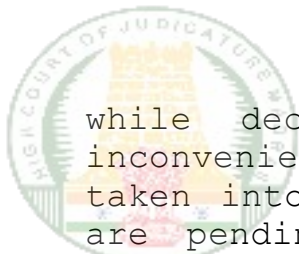
ORDER

The wife seeks transfer of H.M.O.P.No.103 of 2020 filed by the husband seeking divorce under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955 on the file of the Subordinate Court, Palani, to Subordinate Court, Devakottai.

2.Transfer is sought for mainly on the ground of convenience, as the wife is residing at Karaikudi in her father's house. It is also stated that the wife has launched proceedings for restitution of conjugal rights before the Subordinate Court, Devakottai.

3.This request for transfer is opposed by the husband contending that since the proceedings are pending before the Subordinate Court, Palani, the wife need not appear for every hearing as she can engage a Counsel to represent herself and she can appear only for effecting hearings. The learned Counsel for the respondent would also contend that the travel to Devakottai would cause considerable prejudice to the respondent.

4.The Honourable Supreme Court has repeatedly pointed out that the convenience of the wife should be predominantly looked into,
<https://hcservices.courtsofmadras.org/hcservices/>



while deciding the question of transfer. No doubt, the inconvenience caused to the husband by transfer should also be taken into account. In the case on hand, since the proceedings are pending before a Subordinate Court, I do not think that husband would be put to more inconvenience, if the transfer is ordered. The fact that the husband is an entrepreneur having several business activities would also show that it will be easier for him to travel for Devakottai from Palani.

5.In view of the above, H.M.O.P.No.103 of 2020 is withdrawn from the file of the Subordinate Court, Palani and transfer to the Subordinate Court, Devekottai to be tried and disposed of along with H.M.O.P.no.188 of 2020, which is the petition filed by the wife for restitution of conjugal rights.

6.The Transfer Civil Miscellaneous Petition is allowed accordingly. NO costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Subordinate Judge, Palani.

2.The Subordinate Judge, Devakottai.

+1 CC to MR.R.SUNDAR SRINIVASAN, Advocate (SR-6276[F] dated 19/02/2021)

+1 CC to MR.B.THANGA ARAVINDH, Advocate (SR-6795[F] dated 23/02/2021)

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KM (05.03.2021) 2P 5C