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Tr.CMP.No.83 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.83 of 2022

and

CMP.No.1663 of 2022

K.Shanthini

... Petitioner

Vs.

P.Ramchandran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to order for withdrawal of HMOP.No.48 of 2021 on the file of the learned Subordinate Judge, Srivilliputhur and consequently transfer the same to the file of the Subordinate Court, Kanchipuram.

For Petitioner : Mr.C.P.Siva Mohan

For Respondent : No appearance

ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in HMOP.No.48 of 2021 from the file of the learned Subordinate Judge,



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Srivilliputhur, to the file of the learned Sub-Court, Kancheepuram.

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2. Though substituted service was effected on the respondent by paper publication and his name appears in the cause-list, there is no representation for the respondent.

3. According to the petitioner/wife, she is residing at Kancheepuram in her parental house and she has expressed her difficulty in travelling from Kanchipuram to Srivilliputhur for each and every hearing. Therefore, it is stated that it would not be convenient for the petitioner to undertake a travel to Srivilliputhur to attend the hearing before the Subordinate Judge, Srivilliputhur.

4. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand, the petitioner is residing at Kancheepuram in her parental house. The distance between Kancheepuram and Srivilliputhur is 485



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kilo meters and it will take nearly 8 ½ hours to reach Srivilliputhur from Kancheepuram and she has expressed her difficulty in travelling from Kanchipuram to Srivilliputhur, for each and every hearing. The facts and circumstances and balance of convenience requires the transfer of HMOP.No.48 of 2021 divorce petition filed by the respondent/husband to the learned Subordinate Court, Kanchipuram.

5. Accordingly, the transfer petition is allowed by withdrawing HMOP.No.48 of 2021 from the file of the learned Subordinate Court, Srivilliputhur and transferring the same to the file of the learned Subordinate Court, Kanchipuram. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
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S.SOUNTHAR , J.

dna

To

- 1.The Subordinate Judge, Srivilliputhur
- 2.The Subordinate Court, Kanchipuram.

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