



Tr.C.M.P.No.326 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.326 of 2022

K.Premalatha

...Petitioner

.Vs.

Gurusamy

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the divorce case in H.M.O.P.No.156 of 2019, on the file of the Sub Court, Kovilpatti and transfer the same to Sub Court, Gobichettipalayam, Erode District for further proceedings.

For Petitioner : Mr.D.Veerasekharan

For Respondent : No appearance



Tr.C.M.P.No.326 of 2022

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ORDER

This transfer petition filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent on the file of Sub Court, Kovilpatti to Sub Court, Gobichettipalayam, Erode.

2.Though notice was served on the respondent, nobody entered appearance for the respondent. The name of the respondent appears in the cause list. Even in the last occasion, when the matter was called on 08.09.2022, there was no representation for the respondent and hence, this Court proceeds to pass orders on merits after hearing the petitioner.

3.According to the petitioner/wife, she is residing at Gobichettipalayam and she has got a female child aged about 6 years. The distance from Gobichettipalayam to Kovilpatti is nearly 350 kmts away from Gobichettipalayam and therefore, she find it very difficult to undertake a long travel.



Tr.C.M.P.No.326 of 2022

WEB COPY

4.It is settled law that in cases involving matrimonial disputes, the convenience of the wife shall be given preference. In the case on hand, according to the petitioner, she is residing at Gobichettipalayam along with 6 years of a female child. The distance between Gobichettipalayam and Kovilpatti nearly 350 kmts. Taking into consideration the totality of the circumstances, this Court is inclined to order this Transfer Civil Miscellaneous Petition.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed by withdrawing HMOP No.156 of 2019, pending on the file of Sub Court, Kovilpatti and transferring the same to the Sub Court, Gobichettipalayam, Erode.

12.09.2022

KP

Index: Yes/ No

Speaking Order / Non-Speaking Order

To

1.The Sub Court, Kovilpatti.

2.The Sub Court,



Gobichettipalayam,
Erode District.



Tr.C.M.P.No.326 of 2022

S.SOUNTHAR, J.

KP

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