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Tr.CMP.No.717 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.717 of 2022

M. Anusuya

... Petitioner

Vs.

R. Gnanaprakash

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24(1) of CPC, to withdraw and transfer the HMOP.No.139 of 2021 on the file of the Subordinate Court, Vellore to the file of the Sub Court, Thiruvottriyur for disposal in accordance with law.

For Petitioner : Ms. L. Vasanthalakshmi

For Respondent : Mr. D. Thirumoorthy
for M/s.S.P. Arthi

ORDER

This Tr.CMP is filed seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in HMOP.No.139 of 2021



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from the file of Subordinate Court, Vellore to the file of Sub Court,

Thiruvottriyur.

2. According to petitioner, she is residing at Manali within the territorial limit of Subordinate Court, Thiruvottriyur and she is having 2 ½ years old child and therefore, she finds it difficult to attend the Court at Vellore.

3. Learned counsel for the respondent opposed this petition on the ground that he is suffering from spinal injury and consequently, he is not in a position to undertake long travel.

4. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In case on hand, the petitioner is residing at Manali within the territorial limit of Sub Court, Thiruvottriyur and she is also having 2 ½ years old child.



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5. Taking into consideration the convenience of the wife, this Court is inclined to allow the above transfer petition. As far as the contention raised by the learned counsel for the respondent that the respondent-husband is suffering from spinal injury and consequently, he is not in a position to undertake long travel, it is always open to the respondent/husband to file appropriate application before the Court concerned seeking dispense with of his personal appearance, explaining his health condition, if so advised.

6. Accordingly, the Tr.CMP is allowed by withdrawing HMOP No.139 of 2021 pending on the file of Subordinate Court, Vellore and transferring the same to the file of the Sub Court, Thiruvottriyur. No costs.

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

AT

To

- 1.The Subordinate Court, Vellore.
- 2.The Sub Court, Thiruvottriyur.

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