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Tr.C.M.P.No.606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.606 of 2022

and

C.M.P.No.10405 of 2022

Vidhya

... Petitioner

Vs.

Kumara Gurubaran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.83 of 2022 from the file of the Court of the Principal Sub Court, Tirupathur and to transfer the same to the file of the Family Court, Puducherry for trial and disposal.

For Petitioner : Mr.T.M.Naveen

For Respondent : Ms.M.A.Mumtaj Surya

ORDER

This transfer petition is filed seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.83 of 2022 from the file of the Principal Sub Court, Tirupathur to the file of the Family Court, Puducherry.



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2. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent.

3. According to the petitioner, she is residing at Puducherry along with her aged parents and she has nobody to accompany her to undertake travel to Tirupathur to attend each and every court hearing. It is also stated that she has no source of income and she has filed a petition for maintenance in M.C.No.14 of 2021 before the Family Court, Puducherry. Therefore, she filed this transfer petition with the aforesaid prayer.

4. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

5. In the case on hand, the petitioner/wife is residing at Puducherry along with her aged parents and she expressed her difficulty in undertaking long travel to Tirupathur to attend each and every court hearing. It is also stated that she already filed a petition for maintenance in M.C.No.14 of 2021 before the Family Court, Puducherry and the same is pending. In that case, anyway the respondent/husband has to appear before the Family Court, Puducherry to contest the maintenance case.



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6. Therefore, by taking into consideration the convenience of the petitioner/wife, this Court is inclined to order the above transfer petition as prayed for.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.83 of 2022 pending on the file of the Principal Sub Court, Tirupathur is withdrawn and transferred to the file of the Family Court, Puducherry. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.10.2022

Index : Yes/No
Speaking Order : Yes/No
dm

To

1.The Principal Sub Court,
Tirupathur.

2.The Family Court,
Puducherry.



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S.SOUNTHAR, J.

dm

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