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Tr.C.M.P.No.671 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.671 of 2022

and

C.M.P.No.11382 of 2022

M.Sangeetha

... Petitioner

Vs.

Murali

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24(I)(b) of the Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.13 of 2021 before the Sub Court, Gingee, Villupuram District and the same may be transferred to the Sub Court, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.G.Sai Narayana Vasam

For Respondent : Mr.D.Bharathy

ORDER

The petitioner/wife seeks transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.13 of 2021 from the file of the Sub-Court, Gingee, Villupuram District to the file of the Sub Court, Cheyyar, Thiruvannamalai District.

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



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learned counsel for the respondent.

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3. According to the petitioner, she is residing at Sennavaram Village, Vandavasi Taluk within the territorial limits of Sub Court, Cheyyar and she is having a female child aged about 2 years. In her affidavit, she expressed her difficulty to undertake travel to Sub Court, Gingee along with her 2 years child to attend each and every court hearing. Therefore, she filed this transfer petition with the aforesaid prayer.

4. The learned counsel for the respondent filed a counter and opposed the transfer petition on the ground that the petitioner was already set *exparte* on 21.07.2022 and thereafter, she has filed this transfer petition with *mala fide* intention to drag on the proceedings. The respondent also stated that he is having some ailment like blood pressure and hence, it is very difficult for him to undertake travel to Cheyyar.

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



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6. In the case on hand, petitioner/wife is residing at Sennavaram Village, Vandavasi Taluk within the territorial limits of Sub Court, Cheyyar and she is having a female child aged about 2 years. Therefore, it will be very difficult for her to undertake travel to Gingee to conduct the case. The learned counsel for the petitioner also submitted that petitioner had filed a petition to set aside the exparte order in I.A.No.62 of 2022. The said statement is recorded.

7. Taking into consideration the convenience of the wife, this Court is inclined to order the above transfer petition as prayed for.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.13 of 2021 pending on the file of the Sub Court, Gingee is withdrawn and transferred to the file of the Sub Court, Cheyyar. No costs. Consequently, connected civil miscellaneous petition is closed.

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



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S.SOUNTHAR, J.
dm

To

- 1.The Sub Court, Gingee,
Villupuram District.
- 2.The Sub Court, Cheyyar,
Thiruvannamalai District.

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