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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.634 of 2021
and CMP No.15905 of 2021

S.Uma

...Petitioner

Vs

N.Senthilkumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw the case in HMOP.No.81 of 2021 on the file of Sub Court, Tiruppathur and transfer the same to the Family Court, Dharmapuri.

For Petitioner : Ms.Neethimozhi
for Mr.B.Parthiban

For Respondent : Ms.Kamalini
for Mr.B.Sundarapandiyan

O R D E R

The wife seeks transfer of HMOP.No.81 of 2021 on the file of Sub Court, Tirupattur to Family Court, Dharmapuri. The transfer is sought for on the ground of convenience and on the ground that the wife has initiated proceedings for maintenance before the said Family Court.

2. Ms.Neethimozhi, learned counsel appearing for the petitioner wife would contend that the wife being a resident of Dharmapuri is unable to travel to Tirupattur, which is about 80 kms away to conduct the proceedings at the Sub Court, Tirupattur. She would claim that the convenience of the wife requires that the matter be transferred to Dharmapuri.

3.Ms.Kamalini, learned counsel appearing for the respondent opposing the claim would submit that the proceeding which is pending before the Sub Court, Tirupattur cannot be transferred to the Family Court as the same would cause



considerable hardship to the husband, who is a resident of Tirupattur as he would be required to appear before the Family Court, Dharmapuri for every hearing.

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4.I have considered the rival submissions.

5.Considering the convenience of the wife as well as that of the husband, I am of the opinion that the O.P. could be transferred to the Sub Court, Dharmapuri so that the husband need not appear in person for every hearing. Hence, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.81 of 2021 on the file of the Sub Court, Tirupattur is withdrawn and transferred to the file of the Principal Sub Court, Dharmapuri to be disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Sub Court,
Tirupattur.

2.The Principal Sub Court,
Dharmapuri.

+1cc to Mr.B.Parthiban, Advocate SR. No.4137

+1cc to Mr.B.Sundarapandiyan, Advocate SR. No.4330

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KSM (CO)
PR (10/02/2022)