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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.768 of 2022

Monisha

...Petitioner

Vs

U.Shankar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.447 of 2019 pending on the file of the Sub-Court, Poonamallee and transfer it to the Sub-Court, Ranipet for further trial of the case.

For Petitioner : Mr.T.P.Prabakaran

For Respondent : Served. No appearance

ORDER

The petitioner/wife seeks transfer of petition filed by the respondent/husband for divorce in H.M.O.P.No.447 of 2019 from the file of the Sub-Court, Poonamallee to the Sub-Court, Ranipet.



2. Though the respondent is served and his name printed in the cause-list, there is no representation for the respondent.

3. According to the petitioner, she is residing at Arcot along with her widowed mother and she has no companion to undertake travel to Poonamallee. The petitioner also stated that her mother and herself are housewives and hence she is not economically sound to meet the travel expenses and the distance between Arcot and Poonamallee is more than 100 kms. As a lady, she finds it very difficult to undertake long travel of more than 100 kms to attend the Court hearings.

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

5. In the case on hand, the petitioner's father is no more and she is residing at Arcot along with her widowed mother. It is also stated that the distance between her native place Arcot and Poonamallee is more than 100 kms. According to her, she has no one to accompany her to undertake long travel to Poonamallee to attend the court hearings. Under such circumstances of the case, this Court is inclined to order this transfer petition.



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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed by respondent in H.M.O.P.No.447 of 2019 pending on the file of the Sub Court, Poonamallee, is withdrawn and transferred to the file of the Sub-Court, Ranipet. No costs.

29.11.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

gv

To

- 1.The Sub-Court, Poonamallee
2. The Sub-Court, Ranipet



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S.SOUNTHAR, J.

gv

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