



Tr.CMP.No.853 of 2022

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S.SOUNTHAR,J.

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This matter is posted for "Being Mentioned" today, at the request of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that, at that time of allowing the transfer application, this Court was pleased to fix a time limit of nine months for disposal of the HMOP by the Transferee Court. However, the said direction is not incorporated in the order.

3. The learned counsel for the respondent has no objection.

4. Therefore, the Registry is directed to issue a fresh order copy incorporating the direction to the Court below to dispose of HMOP.No.61 of 2020 within a period of nine months from the date of receipt of material records from the Transferor Court.

02.11.2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.853 of 2022
and CMP.No.14547 of 2022

Vijayalakshmi

...Petitioner

Vs

Babu

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw Hindu Marriage Original Petition No.61 of 2020, on the file of the Subordinate Court, Paramakudi and to transfer the same to the file of Family Court, Vellore.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.A.Vimal Kumar



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ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of petition for dissolution of marriage filed by respondent/husband in HMOP.No.61 of 2020, pending on the file of Subordinate Court, Paramakudi, to the file of Family Court, Vellore.

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 Virunchipuram Taluk, Vellore District and she is having two school going children and consequently, she finds it very difficult to undertake frequent travel to attend the Court hearing.

4. It is settled law that in cases involving matrimonial disputes, the convenience of the wife shall be given preference. In the case on hand,



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wife is residing at Seduvalai Village, Virunchipuram Taluk, Vellore District, within the territorial limits of Family Court, Vellore. It is also stated that the petitioner is having two school going children. Taking into consideration the facts and circumstances of the case and the convenience of the petitioner/wife, HMOP.No.61 of 2020, pending on the file of Subordinate Court, Paramakudi is withdrawn and transferred to the file of Family Court, Vellore.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.61 of 2020, pending on the file of Subordinate Court, Paramakudi, and transferring the same to the Family Court, Vellore. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2022

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Index: Yes/ No

Speaking Order / Non-Speaking Order

To

1. The Subordinate Court, Paramakudi.
2. The Family Court, Vellore.

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