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Tr.C.M.P.No.946 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.946 of 2022

and

C.M.P.No.16301 of 2022

Silambarasi

... Petitioner

Vs.

Balamurugan

... 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.25 of 2022 pending on the file of the learned Sub-Court of Thittakudi at Cuddalore District and transfer the same to the learned Family Court, Ariyalur, Ariyalur District.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.T.G.V.Aravinthan

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.25 of 2022 from the file of the Sub Court, Thittakudi, Cuddalore District to the file of the Family Court, Ariyalur, Ariyalur District.

2. According to the petitioner/wife, she is residing at Ariyalur and she is



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having two young children aged about 4 years and 1 ½ years. It is also stated that the distance between Ariyalur to Thittakudi is 180 kms (to and fro) and as a lady, she finds it very difficult to undertake such a long travel to Thittakudi to attend each and every court hearings. Therefore, she filed this transfer petition with the aforesaid prayer.

3. The learned counsel for the respondent by taking this Court to the counter affidavit and also typed-set of papers filed by the respondent, submitted that the petitioner has got a permanent residence at Thittakudi and just to harass the respondent, the petitioner has migrated to Ariyalur and filed this transfer petition.

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

5. The perusal of the divorce petition filed by the respondent/husband would suggest that the respondent/husband himself has given Ariyalur address to the petitioner in the petition filed by him seeking divorce. It clinchingly established the fact that the petitioner is residing at Ariyalur.



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

7. In the case on hand, the petitioner/wife is residing at Ariyalur even as per the address given by the respondent in his divorce petition. The petitioner is also having two young children aged about 4 years and 1 ½ years. Considering the tender age of her kids, it may not be convenient to the petitioner/wife to undertake travel to Thittakudi to attend each and every court hearings.

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

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.25 of 2022 pending on the file of the Sub Court, Thittakudi is withdrawn and transferred to the file of the Family Court, Ariyalur. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
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S.SOUNTHAR, J.
dm

To

- 1.The Sub Court, Thittakudi,
Cuddalore District.
- 2.The Family Court, Ariyalur,
Ariyalur District.

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