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Tr.CMP.No.945 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.945 of 2022

and

CMP.No.16276 of 2022

Malathi

... Petitioner

Vs.

Palanivel

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the HMOP.No.102 of 2017 on the file of the learned Sub-Court, Athur and transfer the same to the learned Family Court, Erode.

For Petitioner : Mr.S.Bharanidharan
for Mr.B.Mohan

For Respondent : Mr.A.Sriram
for L.Mouli



Tr.CMP.No.945 of 2022

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ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in HMOP.No.102 of 2017 from the file of the learned Sub-Court, Athur, to the file of the learned Family Court, Erode.

2. According to the petitioner/wife, she is residing at Erode, within the territorial limits of Family Court, Erode and she is travelling from Erode to Athur, for each and every hearing. Therefore, it is stated that it would not be convenient for the petitioner to undertake a travel to Athur to attend the hearing before the Sub-Court, Athur, Salem District.

3. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand, the petitioner is residing at Erode, within the territorial limit of Family Court, Erode and she has expressed her difficulty in travelling from Erode to Athur, which is 120 Kilo Meters from her native place. The facts and circumstances and balance of convenience requires the transfer of HMOP.No.102 of 2017



Tr.CMP.No.945 of 2022

divorce petition filed by the respondent/husband to the learned Family Court,

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4. Accordingly, the transfer petition is allowed by withdrawing HMOP.No.102 of 2017 from the file of the learned Sub-Court, Athur and transferring the same to the file of the learned Family Court, Erode. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

5. Having regard to the fact that OP is of the year 2017, this Court is inclined to issue a direction to the Court below to dispose of the case within a period of nine months from the date of receipt of a copy of this order.

28.11.2022

Index : Yes / No
Internet : Yes / No
dna

To

- 1.The Sub-Court, Athur
- 2.The Family Court, Erode.



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Tr.CMP.No.945 of 2022

S.SOUNTHAR, J.

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