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Tr.C.M.P.No.968 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.968 of 2022

and

C.M.P.No.16667 of 2022

Ethaya Radha

... Petitioner

Vs.

Raghuvaran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw and transfer the HMOP.No.2029 of 2021 on the file of learned Subordinate Judge, from Alandur to Vallioor Subordinate Judge or any competent Court to try the same.

For Petitioner : Mr.S.Samiraja
For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the first respondent/husband in H.M.O.P.No.2029 of 2021, from the file of the Subordinate Court, Alandur to the Subordinate Court, Vallioor.



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2. Though, notice is served on the respondent and his name appears in the list, there is no representation on behalf of the respondent.

3. According to the petitioner/wife, she is residing with her parents at No.8/62 D, near Vallalpadukulam, Chettikulam, Pannaiyur, Thirunelveli District within the territorial limits of Subordinate Court, Vallioor. It is also stated that she is having a child aged about 6 years having cardiac ailment and consequently, she finds it very difficult to travel to Alandur to attend Family Court hearings.

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

5. In the case on hand, the petitioner/wife is residing with her parents at No.8/62 D, near Vallalpadukulam, Chettikulam, Pannaiyur, Thirunelveli District, within the territorial limits of Subordinate Court, Vallioor and it is stated that she is having a child aged about 6 years having cardiac ailment. Therefore, by taking into consideration the convenience of the wife, this Court is inclined to order the above transfer petition.



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6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.2029 of 2021 on the file of the Subordinate Court, Alandur is withdrawn and the same is transferred to the file of the Subordinate Court, Vallioor. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.11.2022

Index : Yes/No
Speaking Order : Yes/No
rgm

To

1. The Subordinate Court,
Alandur.
2. The Subordinate Court,
Vallioor.



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S.SOUNTHAR, J.
rgm

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