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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.966 OF 2021

AND

C.M.P.NO.21507 OF 2021

Abinaya

... Petitioner

-Vs-

Sudhagar

... Respondent

PRAYER:-

Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.26 of 2021 on the file of Subordinate Court, Harur, and transfer it to the file of the Family court, Chennai.

For Petitioner : Mr.K.Jaisankar

For Respondent : Mr.J.Pradeep

ORDER

This petition has been filed by the petitioner/wife to withdraw H.M.O.P.No.26 of 2021 on the file of Subordinate Court, Harur, and transfer it to the file of the Family Court, Chennai.

2. The petitioner would contend that marriage between herself and the respondent had been solemnized on 21.06.2012 at N.R.V.Mahal, Moppiripatti Pudhur Village, Dharmapuri, as per Hindu rites and customs. Out of wedlock, they had one male child by name Pranav Sudhakar. After marriage, due to mental torture of the respondent, the petitioner has filed H.M.O.P.No.26 of 2021 on the file of Subordinate Court, Harur. Thereafter, the petitioner shifted his residence to Chennai for her job. Now, her son is studying in Chettinad Vidyashram, Rajah Annamalaipuram, Chennai.



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3. The reasons for seeking the transfer are as follows:

1. The petitioner is residing at Rajah Annamalaipuram, Chennai with her son.

2. The distance between Chennai and Harur is too far and she cannot travel each time to attend the hearings.

3. Now the petitioner's son is studying in Chettinad Vidyashram, Rajah Annamalaipuram, Chennai."

4. The learned counsel for the respondent would submit that the petitioner is continuously residing at Dharmapuri and the document now produced is a created document.

5. Heard the learned counsel appearing for the Petitioner and the learned counsel for the respondent and perused the papers.

6. Admittedly, Section 19 of the Hindu Marriage Act, 1955, confers Jurisdiction on the place of residence of the respondent wife. Since the petitioner's son is studying in Chennai she has to take care of her son and it is not advisable to make her travel for every hearing.

Under these circumstances, the request for transfer is justified and accordingly, this petition is allowed. H.M.O.P.No.26 of 2021 pending on the file of the Subordinate Court, Harur, is withdrawn and transferred to the file of the Family Court, Chennai. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Subordinate Judge,
Harur.



2. The Family Judge,
Chennai.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.20965

+1cc to Mr.K.Jaisankar, Advocate, S.R.No.19831

TR.C.M.P.NO.966 OF 2021 AND
C.M.P.NO.21507 OF 2021

SKM(CO)
PBS/19/05/2022