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Tr.CMP.No. 8 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 8 of 2023
and C.M.P.No.316 of 2023

S.Mahalakshmi

.. Petitioner

Versus

P.Senthil Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No. 118 of 2022 from the file of Sub Court at Nagapatinam and transfer before the Principal Family Court, Chennai.

For Petitioner : Mrs.S.Supriya
For Respondent : Mr.U.Kathiravan

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No. 118 of 2022 pending on the file of the Sub Court at Nagapatinam and to transfer the same to the the Principal Family Court, Chennai.



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2. The marriage was solemnized between the petitioner/wife and the respondent/husband on 14.09.2008 at Tanjavur. There was some dispute arose between them. Then, the respondent/husband filed a petition in H.M.O.P.No. 118 of 2022, on the file of the Sub Court, Nagapattinam under Section 13 (i) (i-b) of the Hindu Marriage Act, 1955. In reply, the petitioner wife filed petition before Family Court, Chennai, in M.C.No. 577 of 2022, which is now pending.

3. The learned Counsel for the petitioner submitted that the petitioner is residing at Chennai and further it is very difficult and unsafe for her to travel nearly 8-10 hours from Chennai to Nagapattinam, to attend the hearings of the case. Since the distance between Chennai to Nagapattinam is very long, the petitioner seeks withdrawal and transfer of the case from the file of the Sub Court, Nagapattinam to the 4th Additional Family, Court, Chennai, mainly on the ground of convenience of the petitioner/wife.

4. The learned counsel appearing for the respondent states that the



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respondent has raised some objections in transferring the case from the Sub Court, Nagapattinam to the 4th Additional Family, Court, Chennai.

5. In a petition filed by the husband for divorce, the convenience of the wife is relevant, without going into the allegations made by the parties in this petition, this Court is inclined to allow this petition. Accordingly, H.M.O.P.No. 118 of 2022 on the file of Sub Court, Nagapattinam, is hereby withdrawn and transfer the same to 4th Additional Family Court, Chennai. The 4th Additional Family Court, Chennai, is directed to commence the proceedings in H.M.O.P.No. 118 of 2022 filed by husband and M.C.No. 577 of 2022 filed by wife/petitioner herein and dispose of the same as expeditiously as possible.

6. This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2023

Index:Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
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V.BHAVANI SUBBAROYAN, J.

mpa

To

1. The Sub Court, Nagapattinam.
2. The 4th Additional Family Court, Chennai.

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