



Tr.C.M.P.No.37 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.37 of 2023
and C.M.P.No.1113 of 2023

Suganya

... Petitioner

Vs.

R.Suresh

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P.No.154 of 2021 pending on the file of the Subordinate Court, Karur and transfer the same to the file of Family Court, Namakkal.

For Petitioner : M/s.S.Senthil

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw withdraw H.M.O.P.No.154 of 2021 pending on the file of the Subordinate Court, Karur and transfer the same to the file of Family Court, Namakkal.



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2. The case of the petitioner is that she got married with the respondent on 24.06.2020 at Pavithiram, Arulmighu Sri Marudhakaliyakamman Malaiyamman Manivel Thirukovil, Karur District as per Hindu Rites and Customs and out of the wedlock, a girl child was born on 09.06.2021. The respondent has filed a petition for restitution of conjugal rights before the Subordinate Court, Karur in H.M.O.P.No.154 of 2021. As a lady, the petitioner finds it difficult to undertake long travel from Namakkal to Karur to attend the Court proceedings. Hence the petitioner has filed this TR.C.M.P.No.37 of 2023.

3. The learned counsel for the petitioner/wife submitted that now the petitioner is residing at Namakkal along with parents and she is also having a one female child. The learned counsel further submitted that the petitioner being a lady finds it very difficult to undertake long travel to Karur to attend the Court proceedings. Hence, he prays to transfer the H.M.O.P.No.154 of 2021, pending on the file of the Subordinate Court, Karur to the file of the Family Court, Namakkal.

4. Though notice served on respondent, none appeared either in person or through counsel.



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WEB COPY 5. Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record. It is well settled law that whenever, the transfer application is filed in matrimonial dispute, the convenience of the wife shall be given preference.

6. In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case and the petitioner is also having one female child, this Court is inclined to withdraw the H.M.O.P.No.154 of 2021 from the file of the Subordinate Court Karur to the file of the Family Court, Namakkal.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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V.BHAVANI SUBBAROYAN, J.
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To

- 1.The Subordinate Court, Karur.
2. The Family Court, Namakkal.

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