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Tr.C.M.P.No.94 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.94 of 2023
and
C.M.P.No.2075 of 2023

Ishwariyalakshmi

... Petitioner

Vs.

P.Aswanth Birla

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P.No.190 of 2022 pending on the file of the Subordinate Court, Virudhunagar and transfer the same to the file of Sub Court, Thiruvottiur.

For Petitioner : M/s.K.Thenrajan

For Respondent : M/s.J.Ravikumar



Tr.C.M.P.No.94 of 2023

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ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw H.M.O.P.No.190 of 2022 pending on the file of the Subordinate Court, Virudhunagar and transfer the same to the file of Sub Court, Thiruvottiyur.

2. The case of the petitioner is that she got married with the respondent on 23.08.2020 at Virudhunagar as per Hindu Rites. From 26.09.2020, the petitioner is living separately. The respondent has filed a petition for divorce before the Subordinate Court, Virudhunagar in H.M.O.P.No.190 of 2022. As a lady, the petitioner finds it difficult to undertake long travel to Virudhunagar from Chennai to attend the Court proceedings. Hence the petitioner has filed this TR.C.M.P.No.94 of 2023.

3. The learned counsel for the petitioner/wife submitted that now the petitioner is living at Chennai along with her parents which is 500 kilometers away from Virudhunagar. The learned counsel further submitted that the petitioner being a lady finds it very difficult to undertake long travel to Virudhunagar to attend the Court proceedings. Hence, he prays to



Tr.C.M.P.No.94 of 2023

transfer the H.M.O.P.No.190 of 2022, pending on the file of the Subordinate Court, Virudhunagar to the file of the Sub Court, Thiruvottiyur.

4. The learned counsel for the respondent has not raised any serious objection to transfer the H.M.O.P.No.190 of 2022, pending on the file of the Subordinate Court, Virudhunagar to the file of the Sub Court, Thiruvottiyur. The learned counsel for the respondent also requested this Court to permit the respondent to appear before the Court through video conference as he was working in foreign country.

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, this Court is inclined to withdraw the H.M.O.P.No.190 of 2022 from the file of the Subordinate Court Virudhunagar and transfer the same



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Tr.C.M.P.No.94 of 2023

V.BHAVANI SUBBAROYAN, J.
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to the file of the Sub Court, Thiruvottiyur and the respondent is at liberty to approach the Sub Court, Thiruvottiyur with regard to mode of appearance at the time of trial.

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

21.07.2023

Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

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To

- 1.The Subordinate Court, Virudhungan.
2. The Sub Court, Thiruvottiyur.

TR C.M.P. No.94 of 2023