



WEB COPY



Tr.C.M.P.No.66 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P.No.66 of 2023

and

C.M.P.No.1628 of 2023

S.Deepika

... Petitioner

Vs.

M.Vijayakumar

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.519 of 2022 from the file of the Family Court, Erode and to transfer the same to the file of the Sub-Ordinate Court, Pollachi for trial and disposal.

For Petitioner : Mr.R.Nandha Kumar

For Respondent : Mr.S.Mahesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer the proceedings in H.M.O.P.No.519 of 2022 from the file of the Family Court, Erode to the file of the Sub-Ordinate Court, Pollachi.



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WEB COPY 2. The case of the petitioner is that she got married with the respondent on 17.09.2015 at Karur. Now, she and her 5 year old male child are residing at Pollachi along with her parents and she has no independent source of income. The respondent/husband has filed a petition for divorce before the Family Court, Erode in H.M.O.P.No.519 of 2022, which is 150 kilometers away from her residence. As a lady, the petitioner finds it difficult to undertake long travel to Erode to attend the Court proceedings. Hence, the petitioner has filed this TR.C.M.P.No.66 of 2023 to withdraw and transfer H.M.O.P.No.519 of 2022 from the file of the Family Court, Erode to the file of the Sub-Ordinate Court, Pollachi.

3. The learned counsel for the petitioner/wife submitted that now the petitioner is residing at Pollachi along with parents. The learned counsel further submitted that the petitioner being a lady finds it very difficult to undertake long travel to Erode, which is 150 kilometers away from her residence. Hence, he prays to transfer the H.M.O.P.No.519 of 2022 from the file of the Family Court, Erode to the file of the Sub-Ordinate Court, Pollachi.



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4. The learned counsel for the respondent/husband has not made any serious objection to transfer the H.M.O.P.No.519 of 2022 pending on the file of the Family Court, Erode to the file of the Sub-Ordinate Court, Pollachi.

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.519 of 2022 from the file of the Family Court, Erode to the file of the Sub-Ordinate Court, Pollachi.



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V.BHAVANI SUBBAROYAN, J.

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7. In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

01.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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To

- 1.The Family Court, Erode.
2. The Sub-Ordinate Court, Pollachi.

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and

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