



WEB COPY



Tr.CMP.No. 74 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM:

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

Tr.C.M.P. No. 74 of 2023

and

CMP.No. 1710 of 2023

B. Kalaivani

.. Petitioner

Versus

S. Mahendran

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No. 288 of 2022 from the file of the Sub Court, Pollachi, and to transfer the same to the file of the Family Court, Cuddalore.

For Petitioner	: Mr.K. Prakash
For Respondent	: Mr.D.R. Arun Kumar

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No. 288 of 2022 from the file of the Sub Court, Pollachi, and to transfer the same to the file of the Family Court, Cuddalore.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 28.08.2020 as per the Hindu Marriage Act, 1955. Out of their wedlock, they begotten a female child. Thereafter, the respondent and his parents purposefully ill-treated her and abused filthy language. There was some difference of opinion between them, the respondent has filed HMOP.No. 288 of 2022 on the file of Subordiante Judge, Pollachi, to dissolve the marriage solemnized between them on 28.08.2020 at Pollachi, Mahalingapuram. After separation of the respondent, she has been residing at Cuddalore along with her child and aged parents. The petitioner is not in any employment. Since the parents of the petitioner are aged persons and they are not in a position to render any assistance to the petitioner to conduct the case. Further, the She is unable to travel from Cuddalore to Pollachi to conduct the case for every hearings. The relatives of the respondent are residing at Pollachi and there is every possibilty of assault on her. Therefore, the petitioner has come forward with the present petition under Section 24 of CPC.

3. Having regard to the aforesaid facts and circumstances of the case, taking note of the fact that it is a well settled proposition of law that convenience of the wife is paramount in matrimonial disputes and one year



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female child has physically challenged in both legs, this Court is inclined to transfer the proceedings. Hence, this Court is of the view that the transfer petition can be ordered on the basis of submission made by the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, HMOP. No. 288 of 2022 from the file of the Subordinate Court, Pollachi, is ordered to be withdrawn and the same is hereby transferred to the Family Court, Cuddalore.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

20.09.2023

Index: Yes/No
Speaking order / Non speaking order
MSM

To

1. The Sub Court, Pollachi.
2. The Family Court, Cuddalore.



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V. BHAVANI SUBBAROYAN, J

MSM

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