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Tr.CMP.No. 129 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. 129 of 2023

and

C.M.P. No. 2711 of 2023

Kiruthika @ Vijayalakshmi

.. Petitioner

Versus

T.Viswanathan @ Viswanathasharma

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No. 90 of 2022 pending on the file of the Sub Court, Tiruvarur and to transfer the same to the Sub Court, Ponneri, Thiruvallur District.

For Petitioner : Mr. P.Chinnadurai

For Respondent : Mr.R.Sathishkumar

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No. 90 of 2022 pending on the file of the Sub Court, Tiruvarur



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and to transfer the same to the Sub Court, Ponneri, Thiruvallur District.

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2. The marriage was solemnized between the petitioner/wife and the respondent/husband on 12.09.2019 at Soorapedu. There was some dispute arose between them. Then, the respondent/husband filed a petition in H.M.O.P.No. 90 of 2022 on the file of Sub Court, Tiruvarur, under Section 13 (i-a) (i-b) of the Hindu Marriage Act, 1955. In reply, the petitioner wife filed petition before Judicial Magistrate-II, Ponneri, in DVC.No. 5 of 2022, which is now pending.

3. The learned Counsel for the petitioner submitted that the petitioner/wife is to take care of her son out of her father's income and further it is very difficult and unsafe for her to travel for more than 350 k.m., up and down from Redhills, Chennai to Tiruvarur, to attend the hearings of the case. Since the distance between Chennai to Tiruvarur is more than 350 Kms, the petitioner seeks withdrawal and transfer the case from the file of the Sub Court, Tiruvarur to the Sub Court, Ponneri, Thiruvallur District, mainly on the ground of convenience of the petitioner/wife.



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4. The learned counsel appearing for the respondent states that the respondent/husband has no objection in transferring the case. He seeks a direction from this Court for early disposal of the case pending before the concerned Court.

5. In a petition filed by the husband for divorce, the convenience of the wife is relevant. At the time of hearing, both parties have agreed for transferring the case from the Sub Court, Tiruvarur to Family Court, Chennai. Based on the above submission and consent by both counsel, this Court is inclined to allow this petition as follows:-

“H.M.O.P.No. 90 of 2022, pending on the file of Sub Court, Tiruvarur, is hereby withdrawn and transfer the same to Family Court, Chennai. The Family Court, Chennai, is directed to commence the proceedings in H.M.O.P.No. 90 of 2022 filed by husband and dispose of the same as expeditiously as possible.”



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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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To

1. The Sub Court, Tiruvarur.

2.The Family Court, Chennai.



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