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Tr.CMP.No. 113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

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

Tr.C.M.P. No. 113 of 2023

and

CMP.No. 2316 of 2023

Madhangi @ Nirmala Priyadharshini

.. Petitioner

Versus

Sivakumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in HMOP. No. 106 of 2022 from the file of the Sub Court, Palladam, Thiruppur District, and to transfer the same to the file of the Family Court, Erode District.

For Petitioner : Mr.J. Titus Enock
For Respondent : Mr.N. Ponraj

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the case in HMOP. No. 106 of 2022 from the file of the Sub Court, Palladam, Thiruppur District, and to transfer the same to the file of the Family Court, Erode District.



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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 23.02.2017 as per the Hindu Marriage Act, 1955. After the marriage, the petitioner came to know that the respondent was not working before marriage. On 14.11.2020, the respondent left from the petitioner and he went to his parents house without informing her. Thereafter, the respondent issued a legal notice to the petitioner seeking to divorce. The petitioner issued a reply notice dated 05.09.2022 through her counsel. Thereafter, the respondent has filed HMOP.No. 106 of 2022 on the file of Sub Court, Palladam, Thiruppur District, seeking dissolution of marriage between the petitioner and the respondent. After separation of the respondent, she has been residing at Thindal, Erode District along with her aged parents. The petitioner states that the distance from Palladam to Erode is more than 75 Kms. The petitioner is not working 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. Hence, she is unable to travel from Palladam to Erode District to conduct the case for every hearings. Therefore, the petitioner has come forward with the present petition under Section 24 of CPC.



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3. The learned counsel for both sides submitted that the matter was referred to the Mediation Centre to resolve the dispute between them, the matter has not been settled between the parties and the report in D.No. 2195 of 2023, dated 07.08.2023 is also submitted before this Court.

4. Having regard to the aforesaid facts and circumstances of the case, 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 of the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, HMOP. No. 106 of 2022 from the file of the Sub Court, Palladam, Thiruppur District and to transfer the same to the file of the Family Court, Erode District.

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

19.09.2023

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



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To

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1. The Sub Court, Palladam, Thiruppur District.
2. The Family Court, Erode District.



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V. BHAVANI SUBBAROYAN, J

MSM

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