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Tr.CMP.No. 134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

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

Tr.C.M.P. No. 134 of 2023

and

CMP.No. 2884 of 2023

S. Nathiya

.. Petitioner

Versus

Venkatesan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMO.P.No. 87 of 2022 from the file of the Subordinate Court, Gingee, and to transfer the same to the file of the Family Court, Thiruvannamalai.

For Petitioner	: Ms.S. Suseela Devi
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the HMO.P.No. 87 of 2022 from the file of the Subordinate Court, Gingee, and to transfer the same to the file of the Family Court, Thiruvannamalai.



Tr.CMP.No. 134 of 2023

2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 19.02.2009 at Sri Kamatchi Amman Temple, Nochalur Village, Gingee Taluk, Villuppuram District, as per the Hindu Marriage Act, 1955. Out of their wedlock, they got children. After separation, the respondent has filed HMOP.No. 87 of 2022 before the learned Subordinate Judge, Gingee, Villuppuram District seeking restitution of conjugal rights. Subsequently, the petitioner has also filed a suit in O.S.No. 226 of 2022 before the Principal Subordinate Court, Tiruvannamalai while the respondent was in service. 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. Hence, she is unable to travel from Gingee to Thiruvannamalai District to conduct the case for every hearings. 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, and taking note of the fact that the convenience of the wife is paramount in matrimonial disputes, 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



Tr.CMP.No. 134 of 2023

support of this petition. Accordingly, HMOP. No. 87 of 2022 from the file of the Subordinate Court, Gingee, is ordered to be withdrawn and the same is hereby transferred to the Family Court, Thiruvannamalai.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed.

Consequently, connected Miscellaneous Petition is closed. No costs.

21.09.2023

Index:Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM

To

1. The Subordinate Court, Gingee.
2. The Family Court, Thiruvannamalai.



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Tr.CMP.No. 134 of 2023

V. BHAVANI SUBBAROYAN, J

MSM

Tr. C.M.P. No. 134 of 2023

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