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Tr.C.M.P.No.143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.143 of 2023

and

C.M.P.No.3084 of 2023

K. ManjuParkavi

... Petitioner

Vs.

C. Vinothkannan

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw the case proceedings in H.M.O.P.No.142 of 2022 on the file of the learned Sub-Court at Thiruchengode and transfer the same to the learned Family Court at Erode District and pass orders.

For Petitioner : Mr.T. Elumalai

For Respondent : Mr.L.M. Vijayaragavan



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the case proceedings in H.M.O.P.No.142 of 2022 on the file of the learned Sub-Court at Thiruchengode and transfer the same to the learned Family Court at Erode District and pass orders.

2.The case of the petitioner is that she married the respondent on 16.07.2021 in a temple at Thiruchengode. Thereafter, it came to light that the family members of the respondent suppressed the fact that the Respondent/husband is not a normal person and he is suffering from certain disorder, due to which he was not to have cohabitation with the petitioner. Furthermore, the respondent always used to demand dowry from the petitioner. Whiles, the respondent had filed the H.M.O.P.No. 142 of 2022 on the file of learned Sub-Court at Thiruchengode seeking divorce. Hence, the petitioner has come forward with this present petition to withdraw the H.M.O.P.No. 142 of 2022 on the file of the learned Sub-Court at Thiruchengode and transfer the same to the file of learned Family Court at Erode District.



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3.The learned counsel for the petitioner submitted that she is Assistant Professor in a Medical college and residing in Erode District and not able to attend the Court proceedings in Thiruchengode. Hence, she seeks to withdraw the transfer H.M.O.P.No. 142 of 2022 on the file of the learned Sub-Court at Thiruchengode and transfer the same to the learned Family Court at Erode District. If the case is transferred, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband.

4. The learned counsel appearing for the respondent submitted that there is no objection for transferring the case

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.

5.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 H.M.O.P.No. 142 of 2022 from



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the file of Sub-Court, Thiruchengode and transfer the same to the file of the Family Court at Erode District.

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

No costs. Consequently, connected miscellaneous petition is closed.

14.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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To

1.The Sub-Court at Thiruchengode

2. The Family Court at Erode



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V.BHAVANI SUBBAROYAN., J.

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