



Tr.C.M.P.No.141 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

TR.C.M.P.No.141 of 2023

and

C.M.P.No.3037 of 2023

N.Sangeetha

... Petitioner

Vs.

N.Viswanathan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the H.M.O.P.No.1 of 2022 pending on the file of the Sub Court, Tiruchengode, Namakkal District to the Sub Court, Attur, Salem District.

For Petitioner : M/s.L.Rajendran

For Respondent : Mr.S.Viswanathan
for M/s. Dass and Viswa Associates

ORDER

This Transfer Civil Miscellaneous Petition is filed by the wife seeking withdrawal of H.M.O.P.No.1 of 2022 on the file of the learned Sub-Court, Tiruchengode, Namakkal District and transfer the same to the file of the learned Sub-Court, Attur, Salem District.



Tr.C.M.P.No.141 of 2023

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

3. It is submitted by the learned counsel for the petitioner that marriage between the petitioner and the respondent has taken place at Attur District, on 08.03.2017 and out of their wedlock, a female child was born on 05.06.2018. After that the respondent started harassing the petitioner every day by consuming alcohol and the matter was taken to the police and the dispute between the parties could not be settled, therefore, the petitioner was sent out of the house, petitioner and her daughter are residing in Athur, along with her parents. It is submitted by the learned counsel for the petitioner that the petitioner is financially not sound, there is nobody to take care and help the petitioner to handle the child when she attends the Court. Therefore, the petitioner has sought for transferring of H.M.O.P.No.1 of 2022 to the Sub-Court, Attur, Salem District from the file of the Sub Court, Tiruchengode, Namakkal District.

4. The respondent is an agriculturist residing at Tiruchengode Taluk, Namakkal District. He has filed H.M.O.P.No.1 of 2022, seeking restitution of conjugal rights on the file of the Sub Court, Tiruchengode, Namakkal District.



Tr.C.M.P.No.141 of 2023

WEB COPY

5. The learned counsel appearing for respondent/husband suggested that the petition may be transferred to any Court, which is half way distance for both the petitioner as well as respondent, which indicates that the respondent does not have any objection for transferring of H.M.O.P.No.1 of 2022. Since the convenience of the wife is paramount in transfer of matrimonial cases, this Court inclined to consider the request of the petitioner.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.1 of 2022 pending on the file of the Sub Court, Tiruchengode, Namakkal District is withdrawn and transferred to the Sub Court, Athur, Salem District. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

Index: Yes/ No
Speaking Order / Non-Speaking Order

jai



WEB COPY



Tr.C.M.P.No.141 of 2023

Dr. D. NAGARJUN, J.

jai

To

1. The Sub-Court, Tiruchengode, Namakkal District.
2. The Sub-Court, Attur, Salem District.

TR.CMP.No.141 of 2023

20.06.2023