



WEB COPY



Tr.C.M.P.No.227 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 04.08.2023

C O R A M

**THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN**

TR C.M.P. No.227 of 2023

and

C.M.P.No.5058 of 2023

Arunadevi

... Petitioner

Vs.

Saravanan

... Respondent

**PRAYER:** This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw and transfer H.M.O.P.No. 76 of 2022 on the file of principal Sub Court, Thittakudi Cuddalore District on the file of Family Court, Coimbatore to the file of Sub Court, Kallakurichi and pass orders.

For Petitioner : Mr. Sam Jayaraj Houston

For Respondent : Mr.M. Selvam



Tr.C.M.P.No.227 of 2023

WEB COPY

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer H.M.O.P.No. 76 of 2022 on the file of principal Sub Court, Thittakudi, Cuddalore District to the file of Sub court, Kallakurichi.

2.The case of the petitioner is that she got married with the respondent on 28.10.2012 in Mahalakshmi Marriage Hall in Cuddalore Town and due to the said wedlock two children were born to them. The Respondent/husband and her in-laws abuse her in unparliamentary language and driven her to her parental home. Whiles the respondent had filed the H.M.O.P.No. 76 of 2022 on the file of principal Sub Court, Thittakudi for restitution of conjugal rights. Hence, the petitioner has come forward with this present petition to withdraw the H.M.O.P.No. 76 of 2022 on the file of Principal Sub Court, Thittakudi and transfer the same to the file of Sub court, Kallakurichi.

3.The learned counsel for the petitioner submitted that now the petitioner is residing along with her parents and she is unable to travel to Thittakudi to attend the Court proceedings along with her parents . Because



Tr.C.M.P.No.227 of 2023

of this, she is facing physical as well as financial issues. Hence, she seeks to withdraw the transfer H.M.O.P.No. 76 of 2022 on the file of principal Sub Court, Thittakudi and transfer the same to the file of Sub court, Kallakurichi. 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.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 and taking note of the fact that her aged parents and child cannot accompany her during Court proceedings this Court is inclined to withdraw the H.M.O.P.No. 76 of 2022 on the file of principal Sub Court, Thittakudi and transfer the same to the file of file of Sub court, Kallakurichi.



Tr.C.M.P.No.227 of 2023

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

No costs. Consequently, connected miscellaneous petition is closed.

**04.08.2023**

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

smn

To

- 1.The Principal Sub Court, Thittakudi Cuddalore District.
2. The Sub Court, Kallakurichi



WEB COPY



Tr.C.M.P.No.227 of 2023

**V.BHAVANI SUBBAROYAN., J.**

smn

TR C.M.P. No.227 of 2023  
and  
C.M.P.No.5058 of 2023

04.08.2023