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Tr.CMP.No. 263 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM:

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

Tr.C.M.P. No. 263 of 2023

and

C.M.P. No. 5812 of 2023

P. Jayapreethi

.. Petitioner

Versus

G. Ilayabharathi

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 453 of 2022 pending on the file of the Family Court, Tirunelveli and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr. R. Chandrasudan

ORDER

This petition is filed to withdraw H.M.O.P. No.453 of 2022 from the file of Family Court, Tirunelveli and to transfer the same to the Family Court, Chennai. The petitioner is the wife. The marriage between the petitioner/wife and respondent/husband was solemnized on 10.11.2019. The



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respondent/husband filed a petition for divorce in H.M.O.P. No. 453 of 2022 on

the file of Family Court, Tirunelveli under Section 13(1) (i-a) of the Hindu Marriage Act. It is stated by the learned counsel for the petitioner that the petitioner is not working anywhere and residing at Chennai-600 078, with her 3 year old child. Her aged parents are residing at Chennai.

2. The learned counsel for the petitioner submitted that the petitioner who has no support from her family, is unable to attend the hearings of the case along with her minor child. Since the distance between Tirunelveli and Chennai is more than 600 Kms, the petitioner seeks withdrawal and transfer the case from the file of Family Court, Tirunelveli to the Family Court, Chennai, mainly on the ground of convenience of the petitioner/wife.

3. In a petition filed by the husband for divorce, the convenience of wife is relevant. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is fully convinced that the petitioner should not be put to much inconvenience by traveling such a long distance. Hence, this Court is inclined to allow this petition. Accordingly, H.M.O.P. No. 453 of 2022 pending on the file of the Family Court, Tirunelveli, is hereby withdrawn and transfer the same to the Family Court, Chennai.



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4. This Transfer Civil Miscellaneous Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

12.07.2023

Index:Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM

To

1.The Family Court, Tirunelveli.

2.The Family Court, Chennai.



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V.BHAVANI SUBBAROYAN, J.

MSM

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