



WEB COPY



Tr.C.M.P.No.291 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.291 of 2023
and C.M.P.No.6439 of 2023

Manjula

... Petitioner

Vs.

R.Sivagurunathan

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P.No.138 of 2022 pending on the file of the Family Court, Perambalur and transfer the same to the file of Family Court, Villupuram.

For Petitioner : Mr.P.Vasanth

For Respondent : Mr.K.Balasubramaniam

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw H.M.O.P.No.138 of 2022 pending on the file of the Family Court, Perambalur and transfer the same to the file of Family Court, Villupuram.

2. The case of the petitioner is that she got married with the respondent on 11.09.2019 at Mangala Mahal, Perambalur as per Hindu



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Rites and Customs and out of the wedlock, a female child was born on 06.07.2020. The respondent has filed a petition for divorce before the Family Court, Perambalur in H.M.O.P.No.138 of 2022, which is 102 kilometer away from her residence. As a lady, the petitioner finds it difficult to undertake long travel to Perambalur to attend the Court proceedings along with her baby. Hence the petitioner has filed this TR.C.M.P.No.291 of 2023.

3. The learned counsel for the petitioner/wife submitted that now the petitioner is residing at Tirukovilur along with parents and she is also having one female child. The learned counsel further submitted that being a lady, she finds it very difficult to travel from Thirukoilure to Perambalur, which is 102 kilometers away from her residence. Hence, he prays to transfer the H.M.O.P.No.138 of 2022, pending on the file of the Family Court, Perambalur to the file of the Family Court, Villupuram.

4. The learned counsel for the respondent/husband has not made any serious objection to transfer the H.M.O.P.No.138 of 2022 pending on the file of the Family Court, Perambalur to the file of the Family Court, Villupuram.



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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.

6. 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 child cannot accompany her during Court proceedings, this Court is inclined to withdraw the H.M.O.P.No.138 of 2022 from the file of the learned Family Court at Perambalur and transfer to the file of the Family Court, Villupuram.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.07.2023

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

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V.BHAVANI SUBBAROYAN, J.
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To

- 1.The Family Court,Perambalur.
2. The Family Court,Villupuram.

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21.07.2023