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Tr.C.M.P.No.303 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.303 of 2023

and

C.M.P.No.6743 of 2023

Suganya

..Petitioner

Vs.

J.Kishore Kumar

..Respondent

PRAYER: Civil Revision Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the HMOP.No.97 of 2020 on the file of the Principal Sub Court, Trichy and transfer the same to the file of the Family Court, Mannargudi.

For Petitioner : Mr.G.Rajendran

For Respondent : No appearance

ORDER

This petition is filed to withdraw HMOP.No.97 of 2020 on the file of the Principal Sub Court, Trichy and transfer the same to the file of the Family Court, Mannargudi.



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2. The petitioner is the wife and the respondent is the husband.

The marriage of the petitioner with the respondent has taken place on 27.05.2018 at Mannargudi. It is submitted that subsequently dispute arose between the parties after 22 days of the wedding. The respondent has left to Abu Dhabi and subsequently her in-laws started harassing her mentally and physically. On 29.06.2019 the respondent is stated to have taken her to Abu Dhabi and started demanding to bring a dowry of Rs.5,00,000/- as advised by his parents. Ultimately the respondent filed HMOP.No.97 of 2020 on the file of Principal Sub Court, Trichy. The petitioner on the other hand has filed HMOP.No.157 of 2020 on the file of the Family Court, Mannargudi seeking restitution of conjugal rights. The respondent was set exparte in the said petition and thereby restitution of conjugal rights petition was ordered exparte. The petitioner has also filed application under the Domestic Violence Act in DVC.No.16 of 2021 on the file of the learned Judicial Magistrate, Mannargudi. The respondent appeared before the Court and subsequently failed to appear and thereby the matter is posted for exparte evidence. In HMOP.No.97 of 2020 the petitioner has filed the counter and it is coming for the cross-examination of PW1.



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3. It is submitted by the learned counsel for the petitioner that the distance between Trichy and Mannargudi is 100 Kms and petitioner is not earning any money and causes lot of inconvenience to her, thereby sought for transferring the OP. Once the respondent is working in abroad, it does not matter whether HMOP.No.97 of 2020 is pending before the Sub Court Trichy or at the Family Court in Mannargudi. Moreover, it is a settled legal position that whenever the question of transfer of matrimonial case from one Court to another Court is an issue, paramount consideration is the convenience of the wife. In case if the OP is not transferred according to the petitioner it becomes very difficult for the petitioner to attend the case at Trichy.

4. Notice is served on the respondent through Court as well as through petitioner counsel and the affidavit of service is filed. However, none appeared for the respondent. Since the respondent himself is not interested in contesting this case, taking into consideration the submissions of the learned counsel for the petitioner, this Court is inclined to withdraw HMOP.No.97 of 2020 on the file of the Principal



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Dr.D.NAGARJUN, J.

dsa

Sub Court, Trichy and transfer the same to the file of the Family Court, Mannargudi.

5. Accordingly, this petition is allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

22.06.2023

dsa

Index :Yes/No

Internet :Yes/No

Neutral Citation :Yes/No

Speaking order/Non-Speaking order

To:-

1.The Principal Sub Judge, Trichy.

2.The Family Judge, Mannargudi.

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