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Tr.CMP.No. 367of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

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

Tr.C.M.P. No. 367 of 2023

and

C.M.P. No. 7917 of 2023

M. Kowsalya

.. Petitioner

Versus

M. Pandiyarajan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No. 43 of 2022 pending on the file of the Principal Sub Court, Dindigul District and to transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr. A. Suresh Sakthi Murugan

For Respondent : No Appearance

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**ORDER**

This petition is filed to withdraw HMOP.No. 43 of 2022 from the file of Principal Sub Court, Dindigul District and to transfer the same to the Sub Court, Tambaram, Chennai. The marriage between the petitioner/wife and



Tr.CMP.No. 367of 2023

respondent/husband was solemnized on 11.11.2015. Out of their wedlock, the petitioner/wife gave birth a female child, namely, Anunitha. Thereafter, there was some difference of opinion between the petitioner and the respondent. Hence, the respondent/husband filed a petition for divorce in HMOP. No. 43 of 2022 on the file of Principal Sub Court, Dindigul under Section 13(1)(a) of the Hindu Marriage Act.

2. The learned counsel for the petitioner submitted that the petitioner is working in a software company at Kelampakkam, Chennai and also she is residing in the above said address, which is far away from Dindigul District and she is also a physically challenged person having 60% disability caused in an accident at eight year old as well as she has four year old daughter. Therefore, she cannot travel from Chennai to Dindigul District to attend the Court hearings on a regular basis. Hence, he seeks transfer the case from Principal Sub Court, Dindigul to Sub Court, Tambaram.

2. The learned counsel further submitted that the petitioner who has no support from her family, is unable to attend the hearings of the case. Since the distance from Chennai to Dindigul is more than 200 Kms, the petitioner seeks withdrawal and transfer the case from the file of Principal Sub Court,



Tr.CMP.No. 367of 2023

Dindigul to the Sub Court, Tambaram, 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, HMOP.No. 43 of 2022 pending on the file of the Principal Sub Court, Dindigul, is hereby withdrawn and transfer the same to the Sub Court, Tambaram, Chennai.

4. This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

**19.07.2023**

Index:Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM

To

1.The Principal Sub Court, Dindigul District.

2.The Sub Court, Tambaram, Chennai.



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Tr.CMP.No. 367of 2023

**V.BHAVANI SUBBAROYAN, J.**

MSM

Tr.C.M.P. No. 367 of 2023

19.07.2023