



WEB COPY



Tr.CMP.No. 406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

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

Tr.C.M.P. No. 406 of 2023

and

CMP.No. 8878 of 2023

S.Sindhu

.. Petitioner

Versus

S. Veerasekar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No. 153 of 2022 from the file of the Principal Sub Court, Pudukkottai, and to transfer the same to the file of the Sub Court, Poonamallee.

For Petitioner	: Mr.J. Kamaraj
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No. 153 of 2022 from the file of the Principal Sub Court, Pudukkottai, and to transfer the same to the file of the Sub Court, Poonamallee.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 04.06.2017 as per the Hindu Marriage Act, 1955. Out of their wedlock, the petitioner got a female child. Subsequently, there was some difference of opinion between them, the respondent filed HMOP.No. 153 of 2022 on the file of the Principal Sub-Court, Pudukkottai, seeking divorce. After separation from the respondent/husband, the petitioner has been residing along with her child and aged parents at Porur, Chennai. The petitioner is not in any employment. Since the parents of the petitioner are aged persons and they are not in a position to render any assistance to the petitioner to conduct the case. Hence, she is unable to travel from Poonamallee to Pudukkottai to conduct the case for every hearings. Therefore, the petitioner has come forward with the present petition under Section 24 of CPC.

3. Having regard to the aforesaid facts and circumstances of the case, and taking note of the fact that it is a well settled proposition of law that the convenience of the petitioner/wife is paramount in matrimonial disputes, this Court is inclined to transfer the proceedings. Hence, this Court is of the view that the transfer petition can be ordered on the basis of the submission made by the petitioner and facts found in the affidavit filed in support of this petition.



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Accordingly, HMOP. No. 153 of 2022 from the file of the Principal Sub-Court, Pudukkottai, is ordered to be withdrawn and the same is hereby transferred to the Sub Court, Poonamallee.

4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

Consequently, connected Miscellaneous Petition is closed. No costs.

26.09.2023

Index:Yes/No

Speaking order / Non speaking order

MSM

To

1. The Principal Sub Court, Pudukkottai.
2. The Sub Court, Poonamallee.



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V. BHAVANI SUBBAROYAN, J

MSM

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