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Tr.C.M.P.No.456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Tr.C.M.P.No.456 of 2023

and

C.M.P.No.10358 of 2023

Srimathi

... Petitioner

Vs.

Karunanithi

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw the H.M.O.P.No.298/2022 pending on the file of Family Court at Salem and transfer the same to the learned Sub-Court, Chengam.

For Petitioner : Mr.K.Nithyashree

For Respondent : No Appearance

ORDER

This petition is filed seeking to withdraw H.M.O.P.No.298 of 2022 pending on the file of the Family Court, Salem and to transfer the same to that of the Sub Court, Chengam.

2. It is submitted by the learned counsel for the petitioner / wife, that the marriage of the petitioner with the respondent has taken place on 21.08.2015 and during the wedlock, the petitioner has given birth to



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daughter who is now seven years old. Subsequently, disputes arose between parties and the petitioner has been residing with her parents at their village in Sengam Taluk, Thiruvannamalai District. The respondent has filed H.M.O.P.No.298 of 2022 on the file of the Family Court, Salem, where he has been residing and working in the Transport Department, seeking divorce. Now, the petitioner filed this petition to transfer H.M.O.P.No.298 of 2022 on the ground of inconvenience to attend the Court.

3. It is the submission of the learned counsel for the petitioner that the petitioner has not been earning and is a dependent on her parents. The distance between the place where she is residing and the place where H.M.O.P.No.298 of 2022 is filed by the respondent is around 240 kilometers round trip. The petitioner has filed M.C.No.2 of 2022 on the file of the Judicial Magistrate, Chengam. The respondent who has received notice in this case, failed to appear either personally or through counsel, thereby, it is deemed that he has no objection for transferring H.M.O.P.No.298 of 2022 from Family Court, Salem to that of the Sub Court, Chengam.



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4. Whenever the question of transfer of matrimonial cases come, the convenience of wife is to be taken as one of the considerations. Apart from that, the petitioner has no income and that she cannot alone travel such a long distance to reach the Court at Salem from Chengam for every hearing.

5. Considering all circumstances, this petition is allowed. Accordingly, H.M.O.P.No.298 of 2022 is transfered from the file of the Family Court, Salem to the Sub Court, Chengam. Learned Judge, Family Court, Salem is directed to dispatch entire case records to the Sub Court, Chengam. On receipt of the same, the Sub Judge, Chengam is directed to dispose of the same as expeditiously as possible. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Index :Yes/No

Internet:Yes/No

Neutral Citation Case: Yes/No

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Dr.D.NAGARJUN, J.

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To

1. The Family Court, Salem
2. The Sub-Court, Chengam.

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