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Tr.CMP.No. 428 of 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. 428 of 2023

and

C.M.P. No. 9549 of 2023

Arul Suja

.. Petitioner

Versus

C.V. Anish Benher

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the IDOP. No. 884 of 2022 pending on the file of the Family Court, Nagarkoil, Kanyakumri District and to transfer the same to the Family Court, Chennai.

For Petitioner	: Mr. M. Sathish Kumar
For Respondent	: Mr. C.K.M. Appaji

ORDER

This petition is filed to withdraw IDOP.No. 884 of 2022 from the file of Family Court, Nagarkoil, Kanyakumari District and to transfer the same to the Family Court, Chennai. The marriage between the petitioner/wife and respondent/husband was solemnized on 10.06.2022. The respondent/husband



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filed a petition for divorce in IDOP. No. 884 of 2022 on the file of Family Court, Kanyakumari at Nagarkoil under Section 10(1)(x) of the CSI Church, Palliyadi. It is stated by the learned counsel for the petitioner that the petitioner cannot travel from Chennai to Nagarkoil in view of the fact that she is residing at her aged parents.

2. The learned counsel for the petitioner 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 Nagarcoil is more than 500 Kms, the petitioner seeks withdrawal and transfer the case from the file of Chennai to the Family Court, Nagarcoil, Kanyakumari District to the Family Court, 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 Accordingly, IDOP.No. 884 of 2022 pending on the file of the Family Court, Nagarcoil, Kanyakumari District, is hereby withdrawn and transfer the same to the Family Court, Chennai, within a



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period of four weeks from the date of receipt of a copy of this order.

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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 Family Court, Nagarcoil, Kanyakumari District.

2.The Family Court, Chennai.



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V.BHAVANI SUBBAROYAN, J.

MSM

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and

C.M.P.No.9549 of 2023

V.BHAVANI SUBBAROYAN.J.

This matter is listed today under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2. Mr.D.Ajith Kumar, learned counsel for the petitioner, would submit that, when the matter was taken up for hearing on 19.07.2023, he submitted that the parties are now willing to file a mutual consent petition, based on the compromise and agreed terms and conditions between the parties, but the same is not found in the order dated 19.07.2023 passed by this Court.

3. In view of the above submission, this Court directs the Registry to include the following portion at the end of the Paragraph No.2 of the order dated 19.07.2023 passed by this Court :

“The learned counsel for the petitioner further submitted that the parties are now willing to file a mutual consent petition, based on the compromise and agreed terms and conditions between the parties.”



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4. This Court also directs the Registry to make necessary amendments in the order dated 19.07.2023 and issue order copy a fresh.

02.08.2023

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