



Tr.CMP.No. 543 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

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

Tr.C.M.P. No. 543 of 2023

K. Venkateshwari

.. Petitioner

Versus

M. Natrayanmuthu

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the O.P. No. 101 of 2022 from the file of the Family Court, Theni, Theni District, and to transfer the same to the file of the Sub-Court, Alandur, Kancheepuram District.

For Petitioner	: Mr.G. Narayanan
For Respondent	: Mr.C.Sivakuma (VC)

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the O.P. No. 101 of 2022 from the file of the Family Court, Theni District, and to transfer the same to the file of the Sub-Court, Alandur, Kancheepuram District.



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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 11.09.2019 as per the Hindu Marriage Act, 1955. Out of their wedlock, they got a female child. Thereafter, there was some difference of opinion between them, the respondent is residing at Palanichettipatti, Theni Taluk, Theni District, along with his family members. Subsequently, he has filed O.P.No. 101 of 2022 on the file of Family Court, Theni, to dissolve the marriage on the ground of cruelty. After separation of the respondent, she has been residing at Pozhichalur, Chennai, along with her child and aged parents. The petitioner states that the distance from the Pozhichalur, Chennai to Theni District is about 550 kms. 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 Chennai to Theni District 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 convenience of the wife is paramount in matrimonial disputes, this Court is inclined to transfer the proceedings. Hence, this Court is of the view that the



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transfer petition can be ordered on the basis of submission made by the petitioner and facts found in the affidavit filed in support of this petition.

Accordingly, HMOP. No. 101 of 2022 from the file of the Family Court, Theni District, is ordered to be withdrawn and the same is hereby transferred to the Sub-Court, Alandur, Kancheepuram District.

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

Consequently, connected Miscellaneous Petition is closed. No costs.

19.09.2023

Index:Yes/No
Speaking order / Non speaking order
MSM

To

1. The Family Court, Theni.
2. The Subordinate Court, Alandur.



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V. BHAVANI SUBBAROYAN, J

MSM

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