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Tr.CMP.No. 540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

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

Tr.C.M.P. No. 540 of 2023

and

CMP.No. 12695 of 2023

G. Padmapriya

.. Petitioner

Versus

K.Sunil Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No. 174 of 2022 from the file of the Sub Court, Alandur, Kancheepuram District, and to transfer the same to the file of the Family Court, Nagapattinam.

For Petitioner	: Mr.K. Gopi
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the HMOP. No. 174 of 2022 from the file of the Sub Court, Alandur, Kancheepuram District, and to transfer the same to the file of the Family Court, Nagapattinam.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner and the respondent on 29.05.2011 as per the Hindu Marriage Act, 1955. After the marriage, the respondent demanded more dowry and cash to start a new business and tortured her without any valid reason. Thereafter, there was some difference of opinion between them, the respondent filed a petition in HMOP.No.174 of 2022 before the Sub Court, Alandur, Kancheepuram District, seeking for divorce on the ground of cruelty. The petitioner submits that the distance from Nagapattinam to Alandur, Kancheepuram District, is about 600 kms. 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 and also the respondent has not paid any maintenance amount. Therefore, the petitioner is unable to travel from Nagapattinam to Alandur, Kancheepuram 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 the 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. 174 of 2022 from the file of the Sub Court, Alandur, Kancheepuram District, is ordered to be withdrawn and the same is hereby transferred to the Family Court, Nagapattinam.

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

Consequently, connected Miscellaneous Petition is closed. No costs.

28.08.2023

Index:Yes/No

Speaking order / Non speaking order

MSM

To

1. The Sub Court, Alandur, Kancheepuram District
2. The Family Court, Nagapattinam.



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V. BHAVANI SUBBAROYAN, J

MSM

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