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Tr.C.M.P.No.546 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**Tr.C.M.P.No.546 of 2023 and
C.M.P.No.12879 of 2023**

Punidha ... Petitioner

Vs.

Kottayan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.81 of 2021 pending before the Additional Sub Court, Tenkasi and transfer the same to the Sub Court, Ambattur.

For Petitioner : Mr.C.V.Kumar

For Respondent : No Appearance

ORDER

The present petition has been filed to withdraw H.M.O.P.No.81 of 2021 pending before the Additional Sub Court, Tenkasi and transfer the same to the Sub Court, Alandur.

2. According to the petitioner, she is the wife of the respondent and

their marriage was solemnised on 03.09.2008 as per Hindu Rites and



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Customs at Kasiviswanathar Kovil, Tenkasi and on account of the wedlock a male child was born in the year 2009. On account of a matrimonial dispute, the petitioner / wife was living at her parents house and the petitioner has filed M.C.13 of 2018 before the learned Judicial Magistrate, Ambattur seeking maintenance. In order to evade the maintenance, the respondent filed the divorce petition before the Additional Sub Court, Tenkasi, on the ground of cruelty. Now, as the petitioner is finding it difficult to attend the court hearings at Tenkasi, which is about 625 kms from Chennai, the present petition has been preferred by the petitioner.

3. The learned counsel for the petitioner submits that due to hormonal disease, the petitioner had lost her job and thereafter, she was not able to fetch any job due to age factor. Further, the petitioner and her minor son are residing under the shelter of her age old parents, who are suffering from age old ailments and the petitioner is also undergoing major financial difficulties and does not have any source to travel Tenkasi to defend the case, thereby pleaded to allow the present petition.

4. Though notice to the respondent was served on 08.07.2023 and name has been printed in the causelist, there is no representation for the respondent either through learned counsel or in-person.



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5. Considering the facts and circumstances of the case and taking note of the fact that the Hon'ble Supreme Court while hearing a transfer petition concerning matrimonial dispute had held that “convenience of wife in matrimonial disputes is paramount, as per established jurisprudence of the court”, this Court is inclined to allow the present Petition.

In view of the above, the present Tr.C.M.P. is allowed and H.M.O.P.No.81 of 2021 on the file of Additional Sub Court, Tenkasi is ordered to be withdrawn and the same is hereby transferred to the Sub Court, Ambattur. Consequently, connected miscellaneous petition is closed. No costs.

22.09.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

1. The Subordinate Court,
Ambattur
2. The Additional Sub Court,
Tenkasi



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V.BHAVANI SUBBAROYAN J.

ssd

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