



WEB COPY



Tr.CMP.No. 571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM:

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

Tr.C.M.P. No. 571 of 2023

and

CMP.No. 13853 of 2023

V. Reshma

.. Petitioner

Versus

S. Arunvigneshwaran

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the FCOP.No. 73 of 2023 from the file of the Family Court, Namakkal, and to transfer the same to the file of the Sub Court, Ulundurpet.

For Petitioner	: Mr.Venkataswamy Babu
For Respondent	: Mr.J.L. Thirumalaisamy

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the FCOP.No. 73 of 2023 from the file of the Family Court, Namakkal, and to transfer the same to the file of the Sub Court, Ulundurpet.



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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 11.02.2022 at Sri Eswaran Temple, Sendhamangalam Taluk, Namakkal District, 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 filed FCOP.No. 73 of 2023 on the file of Family Court, Namakkal seeking divorce. Now, the petitioner is residing along with aged parents at Ulundurpet, Kallakurichi District. 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. Further, the petitioner is having a six months old female child and it is very difficult to travel almost 170 kms from Ulundurpet to Namakkal to attend the Court hearings before the Family Court, Namakkal. 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 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.



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Accordingly, FCOP. No. 73 of 2023 from the file of the Family Court, Namakkal, is ordered to be withdrawn and the same is hereby transferred to the Sub-Court, Ulundurpet.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

07.09.2023

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

To

1. The Family Court, Namakkal.
2. The Sub-Court, Ulundurpet.



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V. BHAVANI SUBBAROYAN, J

MSM

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