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Tr.CMP.No. 568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

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

Tr.C.M.P. No. 568 of 2023

and

CMP.No. 13814 of 2023

K.Divya

.. Petitioner

Versus

P.Chandrasoodan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No. 103 of 2020 from the file of the Sub Court, Tindivanam and to transfer the same to the file of the II Additional Family Court, Chennai.

For Petitioner	: Mr. S. John Josh
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No. 103 of 2020 from the file of the Sub Court, Tindivanam and to transfer the same to the file of the II Additional Family Court, Chennai.



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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 30.03.2018 at Thiruvidanthai Nithyakalyana Perumal Kovil, Kovalam, Chennai, as per the Hindu Marriage Act, 1955. Out of their wedlock, they begotten a male child. After the marriage, the respondent along with his parents demanded more dowry and also threatened her with dire consequences. In the meanwhile, the respondent got married another girl in 2022. The respondent earning a sum of Rs.30,000/- p.m. and he has not given any amount to take care of the petitioner and her minor son. After there was some difference of opinion between them, the respondent filed HMOP.No. 103 of 2020 before the Sub Court, Tindivanam seeking divorce and the same is pending. Furthermore, the petitioner has also filed MC.No. 40 of 2022 before the Family Court, Chennai seeking a direction to the respondent to pay a sum of Rs.20,000/-p.m., as maintenance to the petitioner and her minor son. After separation of the respondent, she has been residing in her parents house at Mylapore, Chennai, along with her minor son. 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 Tindivanam to conduct the case for every hearings. Therefore, the petitioner has come forward with the present petition under Section 24 of CPC.



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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 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. 103 of 2020 from the file of the Sub-Court, Tindivanam, is ordered to be withdrawn and the same is hereby transferred to the II Additional Family Court, Chennai.

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

08.09.2023

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

To

1. The Sub Court, Tindivanam.
2. The II Additional Family Court, Chennai.



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V. BHAVANI SUBBAROYAN, J

MSM

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