



WEB COPY



Tr.CMP.No. 606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

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

Tr.C.M.P. No. 606 of 2023

and

CMP.No. 15049 of 2023

S. Sushmitha

.. Petitioner

Versus

R. Kumaran

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No. 360 of 2022 from the file of the Family Court, Cuddalore, and to transfer the same to the file of the Family Court, Mannargudi.

For Petitioner	: Mr. P. Anbarasan
For Respondent	: Mr. M. Ganesh

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the HMOP. No. 360 of 2022 from the file of the Family Court, Cuddalore, and to transfer the same to the file of the Family Court, Mannargudi.



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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 10.09.2021 as per the Hindu Marriage Act, 1955. Out of their wedlock, the petitioner begotten a child. After the marriage, the respondent along with his parents demanded more dowry from the petitioner. Thereafter, there was some difference of opinion between them, the respondent has filed HMO.P.No. 360 of 2022 on the file of Family Court, Cuddalore, seeking to dissolve the marriage. The petitioner preferred a counter claim seeking for restitution of conjugal rights. She is residing at Muthupet, Thiruthuraipoondi along with her parents which is 200 kilometres from Cuddalore and she has been posted as Assistant Surgeon in the Government Hospital, Thiruthuraipoondi from 14.03.2023. Moreover, she is dependant on her parents, who are also old. 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 Mannargudi to Cuddalore 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. 360 of 2022 from the file of the Family Court, Cuddalore, is ordered to be withdrawn and the same is hereby transferred to the Family Court, Mannargudi.

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

26.09.2023

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

To

1. The Family Court, Cuddalore.
2. The Family Court, Mannargudi.



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V. BHAVANI SUBBAROYAN, J

MSM

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