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Tr.C.M.P.No.582 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 14.09.2023

C O R A M

**THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN**

TR C.M.P. No.582 of 2023  
and  
C.M.P.No.14240 of 2023

Saranya

... Petitioner

Vs.

Aravind Kumar

... Respondent

**PRAYER:** This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw the H.M.O.P.No.48 of 2023 pending on the file of Family Court, Nilgiris and transfer the same to the Family Court, Chennai and pass orders.

For Petitioner : Mr.L. Parvin Banu

For Respondent : Mr.C. Gunasekaran

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the H.M.O.P.No.48 of 2023 pending on the file of Family Court, Nilgiris and transfer the same to the Family Court, Chennai.



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2. The case of the petitioner is that she married the respondent on 27.08.2017 at Thiruvilanjikumarar Thirukovil at Thenkasi. The grievance of the petitioner is that the respondent always used filthy language against the petitioner and used to ill treat her and threatened her with dire consequences. Now the petitioner and the respondent are working in Chennai. The respondent had filed a divorce petition in H.M.O.P.No.48 of 2023 on the file of the Family Court, Nilgiris. Hence, the petitioner has come forward with this present petition to withdraw the above H.M.O.P and transfer the same to the file of Family Court, Chennai.

3.The learned counsel for the petitioner submitted that the respondent knowing well that the petitioner is working in Chennai has chosen to file the case in Nilgiris only to harass her. Hence, she seeks to withdraw the transfer H.M.O.P.No.48 of 2023 on the file of the Family Court, Nilgiris and transfer the same to the Family Court, Chennai. If the case is transferred, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband.



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4.Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record. It is well settled law that whenever, the transfer application is filed in matrimonial dispute, the convenience of the wife shall be given preference.

5.In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case this Court is inclined to withdraw H.M.O.P.No.48 of 2023 on the file of the Family Court, Nilgiris and transfer the same to the file of the Family Court at Chennai.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed.  
No costs. Consequently, connected miscellaneous petition is closed.

**14.09.2023**

Index:Yes/No  
Internet:Yes/No  
Speaking Order/Non Speaking Order  
smn  
To

- 1 The Family Court, Nilgiris
2. The Family Court, Chennai



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**V.BHAVANI SUBBAROYAN., J.**

smn

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