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Tr.C.M.P.No.656 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.656 of 2023 and
C.M.P.No.16266 of 2023**

S.Shivani ... Petitioner

Vs.

A.Subash ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.113 of 2022 pending before the Sub Court, Cheyyar and transfer the same to the Sub Court, Ambattur.

For Petitioner : Mr.M.Ganesh Babu

For Respondent : Mr.J.Manikandan

ORDER

The present petition has been filed to withdraw H.M.O.P.No.113 of 2022 pending before the Sub Court, Seyyar and transfer the same to the Sub Court, Ambattur.

2. According to the petitioner, she is the wife of the respondent and their marriage was solemnised on 01.02.2021 as per Hindu Rites and Customs at Sarathi Mahal, Melmaruvathur Road, Birudhur, Vandavasi and



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thereafter, the petitioner started to live with the respondent. On account of a matrimonial dispute, the petitioner / wife was living at her parents house and the respondent has filed H.M.O.P.No.113 of 2022 before the Subordinate Court, Cheyyar seeking divorce. Now, as the petitioner is finding it difficult to attend the court proceedings at Cheyyar, the present petition has been preferred by the petitioner.

3. The learned counsel for the petitioner submits that the petitioner's parents are age old parents, who are suffering from age old ailments and the petitioner finds it difficult to defend her case at Cheyyar, thereby pleaded to allow the present petition.

4. Heard the learned counsel for the respondent on the submissions of the learned counsel for the petitioner.

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.



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In view of the above, the present Tr.C.M.P. is allowed and the H.M.O.P.No.113 of 2022 on the file of Sub Court, Cheyyar is ordered to be withdrawn and the same is hereby transferred to the Sub Court, Ambattur.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 Sub Court,
Cheyyar



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V.BHAVANI SUBBAROYAN J.

ssd

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