



WEB COPY



Tr.CMP.No. 667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

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

Tr.C.M.P. No. 667 of 2023

and

CMP.No. 16502 of 2023

M.S.Uma

.. Petitioner

Versus

S.Deepak

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No. 78 of 2023 from the file of the Family Court, Theni, and to transfer the same to the file of the Family Court, Coimbatore.

|                |                         |
|----------------|-------------------------|
| For Petitioner | : Mr.P. Jhonson         |
| For Respondent | : Mr.V.M. Venkataramana |

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**ORDER**

This Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No. 78 of 2023 from the file of the Family Court, Theni District, and to transfer the same to the file of the Family Court, Coimbatore.



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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 08.12.2021 as per the Hindu Marriage Act, 1955. After the marriage, there was some difference of opinion between them, the petitioner/wife filed D.V.C.No. 16 of 2022 before the District Munsif Cum Judicial Magistrate, Madukkarai of Coimbatore District. Subsequently, the respondent/husband has filed HMOP.No. 78 of 2023 on the file of the Family Court, Theni District, seeking to dissolve the marriage dated 08.12.2021. After separation of the respondent, she has been residing at Coimbatore, along with her aged parents. The petitioner states that the distance from Coimbatore to the Family Court, Theni, is about 250 kms. 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 Coimbatore to the Family Court, Theni District to conduct the case for every hearings. 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 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



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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. 78 of 2023 from the file of the Family Court, Theni District, is ordered to be withdrawn and the same is hereby transferred to the Family Court, Coimbatore.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed.

Consequently, connected Miscellaneous Petition is closed. No costs.

**29.09.2023**

Index:Yes/No

Speaking order / Non speaking order

MSM

To

1. The Family Court, Theni.
2. The Family Court, Coimbatore.



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**V. BHAVANI SUBBAROYAN, J**

MSM

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