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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.650 of 2023
and
C.M.P.No.16063 of 2023

Lalitha

... Petitioner

Vs.

Srinivasan @ Balaji

... 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.64 of 2023 on the file of the Family Court at Pudukottai and transfer the same to the Family Court at Erode and pass orders.

For Petitioner : Mr. V. Recunathan

For Respondent : Mr.V.S.Badrinath



ORDER

WEB COPY This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the H.M.O.P.No.64 of 2023 on the file of the Family Court at Pudukottai and transfer the same to the Family Court at Erode.

2.The case of the petitioner is that she got married with the respondent on 11.07.2018 at Erode in AryaVaiysaMahal and due to the said wedlock one child was born to them. Thereafter, the respondent started to demanded dowry from her and ill-treat her and threaten her that she is working in the Government Department. Subsequently, the Respondent/husband filed H.M.O.P.No.64 of 2023 on the file of Family Court at Pudukottai. Hence, the petitioner has come forward with this present petition to withdraw the H.M.O.P.No.64 of 2023 on the file of Family Court at Pudukottai and transfer the same to the file of Family Court at Erode.

3.The learned counsel for the petitioner submitted that the respondent is a Government servant and he is having nexus with the political parties and there is threat for her to attend the Court proceedings at Pudukottai. Hence, she seeks to withdraw H.M.O.P.No.64 of 2023 on the file of Family



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Court at Pudukottai and transfer the same to the file of Family Court at Erode. 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.

4. The learned counsel for the respondent objected to transfer the case to Family Court, Erode.

5. Heard the learned counsel for the petitioner and 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.

6. 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.64 of 2023 pending on the file of Family Court at Pudukottai and transfer the same to the file of Family Court at Erode.



7. In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

smn

To.

1. The Family Court at Pudukottai

2. the Family Court at Erode



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V.BHAVANI SUBBAROYAN., J.

smn

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