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Tr.CMP.No. 686 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. 686 of 2023

P. Parkavi @ Sangavi

.. Petitioner

Versus

S. Navamani

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No. 84 of 2023 from the file of the Sub Court, Omalur, and to transfer the same to the file of the Subordinate Court, Hosur.

For Petitioner	: Mr.G. Babu
For Respondent	: Mr.S. Ramachandran

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No. 84 of 2023 from the file of the Sub Court, Omalur, and to transfer the same to the file of the Subordinate Court, Hosur.

2. The case of the petitioner is that the marriage was solemnized



Tr.CMP.No. 686 of 2023

between the petitioner/wife and the respondent/husband on 01.06.2022 as per

the Hindu Marriage Act, 1955. After the marriage, the respondent in a drunken brawl invited quarrels for the filmsy reasons everyday and the petitioner has been physically and mentally affected. She questioned about the act of the respondent, the respondent brutally beat her. The respondent along his parents demanded more dowry from the petitioner. Therefore, the petitioner has filed a case against the respondent before the learned Judicial Magistrate-II, Hosur, and the same is pending. Thereafter, there was some matrimonial dispute between them, the respondent has filed HMOP.No. 84 of 2023 under Section 13(1)(ia) of the Hindu Marriage Act, seeking to dissolve the marriage was solemnized between them on 01.06.2022. After separation of the respondent, she has been residing at Hosur along with her aged parents and sister. The petitioner states that the distance from Hosur to Omalur is about 150 kms. Further, the petitioner lodged a police complaint under Sections 200, 156(3) of CrPC., before the All Women Police Station, Hosur, as well as before the learned Judicial Magistrate-II, Hosur, by narrating all her difficulties that she has faced several problems from the respondent and his family members and the same are under enquiry. 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



Tr.CMP.No. 686 of 2023

to travel from Hosur to Omalur 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 the 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. 84 of 2023 from the file of the Sub Court, Omalur, is ordered to be withdrawn and the same is hereby transferred to the Subordinate Court, Hosur.

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



Tr.CMP.No. 686 of 2023

1. The Sub Court, Omalur.
2. The Subordinate Court, Hosur.

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Tr.CMP.No. 686 of 2023

V. BHAVANI SUBBAROYAN, J

MSM

Tr. C.M.P. No. 686 of 2023

29.09.2023