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Tr.CMP.No. 697 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. 697 of 2023

and

CMP.No. 16941 of 2023

Shalini

.. Petitioner

Versus

M.Prakash

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No. 39 of 2023 from the file of the Sub Court, Thirumangalam and to transfer the same to the file of the Family Court, Coimbatore.

For Petitioner	: Mr. S. Esakkimuthu
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the HMOP. No. 39 of 2023 from the file of the Sub Court, Thirumangalam 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 21.10.2018 as per the Hindu Marriage Act, 1955 at Meenakshi Amman Kovil, Thirumangalam, Madurai District. Out of their wedlock, they were blessed with a female child, namely, Vihana, who is under the petitioner's care and custody. While that being the case, the respondent has wantonly neglected to maintain her and child at the instance of his parents. The parents of the petitioner had passed away. Her elder sister, namely, Sujitha got married and she is residing her matrimonial at Coimbatore. On 26.01.2023, the respondent and his parents assaulted and expelled her and child from the matrimonial home. Thereafter, the petitioner is residing along with her brother at Thirumangalam, but she is having female child aged 11 months old and due to her health issues, now she is residing in her sister's house at Coimbatore. There was some difference of opinion between them, the respondent filed HMOP.No. 39 of 2023 on the file of the Sub Court, Thirumangalam, seeking divorce on the ground of cruelty. Therefore, she is unable to travel from Thirumangalam to Coimbatore District to conduct the case for every hearings. Hence, the petitioner has come forward with the present petition under Section 24 of CPC.



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3. Having regard to the aforesaid facts and circumstances of the case, and taking note of the fact 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. 697 of 2023 from the file of the the Sub Court, Thirumangalam, is ordered to be withdrawn and the same is hereby transferred to the Family Court, Coimbatore District.

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 Sub Court, Thirumangalam.
2. The Family Court, Coimbatore.



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V. BHAVANI SUBBAROYAN, J

MSM

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