



Tr.C.M.P.No.956 of 2023
and CMP.No.23150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 956 of 2023

and

CMP.Nos.23150 of 2023

A. Kanaga

... Petitioner

Vs.

P. Mahendran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 277 of 2022 on the file of the Sub Judge, Thiruvottriyur and to transfer the same to the file of the District Court, Villupuram and pass orders.

For Petitioner

: Mr.C.S. Rajalakshmi



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ORDER

The petitioner/wife seeks to withdraw the H.M.O.P.No. 277 of 2022 on the file of the Sub Judge, Thiruvottriyur and to transfer the same to the file of the District Court, Villupuram.

2. The case of the petitioner is that the petitioner married the respondent on 17.02.2016 as per Hindu Marriage Rites and Customs at Community Hall and out of the said wed lock one male child was born to them. The grievance of the petitioner is that the respondent always used filthy language against the petitioner and used to ill treat her and threatened her with dire consequences. Due to which the petitioner left the matrimonial home and went to her parental home. The respondent had filed a divorce petition in H.M.O.P.No.277 of 2022 on the file of the Sub Judge, Thiruvottriyur. Hence, the petitioner has come forward with this present petition to withdraw the above H.M.O.P and transfer the same to the file of District Court, Villupuram.



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3.The learned counsel for the petitioner submitted that now the petitioner is residing along with parents at Villupuram which is 170 kilometers away from Chennai. He further submitted that he is having six years old child. Being a lady, the petitioner could not able to attend the Court proceedings in Chennai at Thiruvottiyur. Because of this, she is facing physical as well as financial issues. Hence, she seeks to withdraw the transfer H.M.O.P.No.277 of 2022 from the file of the Sub Judge, Thiruvottriyur and transfer to the District Court, Villupuram. 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.Heard the learned counsel for the petitioner and 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.

5. Considering the facts and circumstances and also the fact that the



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petitioner is residing at her parental home along with her which is 170 kilometer away from Chennai. Therefore, the reason assigned by the petitioner is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the H.M.O.P.No. 277 of 2022 pending on the file of the Sub Judge, Thiruvottriyur is withdrawn and transferred to the file of the District Court at Villupuram. Consequently the connected miscellaneous petition is closed.

6. The District Court at Villupuram is directed to issue notice to the respondent/husband within four weeks from the date of receipt of a copy of this order and then proceed with trial.

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Index : Yes / No
Neutral Citation: Yes / No
Speaking/Non-speaking order

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To

1. The the Sub Judge, Thiruvottriyur
2. The District Court, Villupuram

T.V.THAMILSELVI, J.



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