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Tr.C.M.P.No.955 of 2023
and CMP.No.23146 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. 955 of 2023

and

CMP.Nos.23146 of 2023

1. Mrs. G. Dhanalakshmi

2. Minor. Dharnesh

... Petitioners

Vs.

P. Vijayakumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of

C.P.C., praying to withdraw the H.M.O.P.No. 502 of 2023 from the file of

the Family Judge Salem and to transfer the same and tried along with

H.M.O.P.No.320 of 2023 to the Family Court, Tiruppur and pass orders.

For Petitioner

: Mr.S. Valarmathi

ORDER

The petitioner/wife seeks to withdraw the H.M.O.P.No. 502 of 2023

from the file of the Family Judge Salem and to transfer the same and tried

along with H.M.O.P.No.320 of 2023 to the Family Court, Tiruppur



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2. The case of the petitioner is that the petitioner married the respondent on 21.02.2011 at Sri Gopal Pillaiyar Kovil, Thiruvannamalai Town as per Hindu Marriage Rites and Customs and out of the said wedlock one male child was born to them. The grievance of the petitioner is that the respondent is a drunkard and did not take care of the family and always suspect the petitioner herein. Due to which the petitioner left the matrimonial home and went to her parental home. Thereafter, the respondent also filed H.M.O.P.No.502 of 2023 on the file of Family Court at Salem for restitution of conjugal rights and the petitioner also filed a petition for divorce in H.M.O.P.No.320 of 2023 before the Family Court, Tiruppur. As the petitioner is unable to attend the Court proceedings filed by the husband in Family Court at Salem which is 120 km away from Tiruppur, the petitioner has come forward with this present petition to withdraw the H.M.O.P.No. 502 of 2023 from the file of the Family Judge Salem and to transfer the same and tried along with H.M.O.P.No.320 of 2023 to the Family Court, Tiruppur.



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3.The learned counsel for the petitioner submitted that now the petitioner is residing along with parents at Tiruppur which is 120 kilometers away from Salem. Being a lady, the petitioner could not able to attend the Court proceedings at Salem. Because of this, she is facing physical as well as financial issues. Hence, she seeks to withdraw the H.M.O.P.No. 502 of 2023 from the file of the Family Judge Salem and to transfer the same and tried along with H.M.O.P.No.320 of 2023 to the Family Court, Tiruppur. 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 petitioner is residing at her parental home which is 120 kilometer away from



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Tiruppur without source of income. 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. 502 of 2023 is withdrawn from the file of the Family Judge Salem and the same should be tried along with H.M.O.P.No.320 of 2023 to the Family Court, Tiruppur. Consequently the connected miscellaneous petition is closed.

6. The Family Court Tiruppur. 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.

11.10.2023

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

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To

1. The Family Judge Salem
2. The District Court, Villupuram



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T.V.THAMILSELVI, J.

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Tr.C.M.P.No. 955 of 2023
and
CMP.Nos.23150 of 2023

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