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Tr.CMP.No. 1318 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V. BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 1318 of 2022

and

CMP.No. 22284 of 2022

G.Karthika

.. Petitioner

Versus

P. Vishnudeep

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP.No. 159 of 2022 from the file of the Subordinate Court, Pollachi and to transfer the same to the file of the Subordinate Court, Mettupalayam.

For Petitioner	: Mr.K. Srinivasan
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the HMOP.No. 159 of 2022 from the file of the Subordinate Court, Pollachi and to transfer the same to the file of the Subordinate Court, Mettupalayam.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner and the respondent on 25.02.2021 as per the Hindu Marriage Act, 1955. After the marriage, there was some matrimonial dispute between them, the respondent filed HMOP.No. 159 of 2022 on the file of Subordinate Court, Pollachi, seeking divorce from the petitioner. To prove her love and affection, the petitioner filed OP.No. 115 of 2022 before the Sub Court, Mettupalayam, seeking restitution of conjugal rights and the same is pending. Further, the petitioner has also filed DVC.No. 10 of 2022 against the respondent before the learned Judicial Magistrate Court-II, Coimbatore, and the petitioner's intention only is to solve the issue amicably. 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 and it is very difficult to travel almost 200 kms from Mettupalayam to Pollachi to attend the Court 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



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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. 159 of 2022 from the file of the Subordinate Court, Pollachi, is ordered to be withdrawn and the same is hereby transferred to the Subordinate Court, Mettupalayam.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed.

Consequently, connected Miscellaneous Petition is closed. No costs.

08.09.2023

Index:Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM

To

1. The Subordinate Court, Pollachi.
2. The Subordinate Court, Mettupalayam.



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V. BHAVANI SUBBAROYAN, J

MSM

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