



WEB COPY



Tr.CMP.No. 1353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

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

Tr.C.M.P. No. 1353 of 2022

and

C.M.P. No. 23187 of 2022

N. Kalavathy

.. Petitioner

Versus

1. M. Muthukumar

2. R. Vimalraj

.. Respondents

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No. 338 of 2022 pending on the file of the Family Court, Salem and to transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr. V. Ramamurthy

For R2 : No Appearance

ORDER

This petition is filed to withdraw HMOP.No. 338 of 2022 from the file of Family Court, Salem, and to transfer the same to the Sub Court, Tambaram,



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Chennai. The marriage was solemnized between the petitioner/wife and respondent/husband on 26.10.2020. Thereafter, there was some difference of opinion between the petitioner and the respondent. Hence, the respondent/husband filed a petition for divorce in HMOP. No. 338 of 2022 on the file of Family Court, Salem, under Section 5 (i), (ii) (b), 11 and 12 (1) (b) of the Hindu Marriage Act, 1955.

2. The learned counsel for the petitioner submitted that the petitioner is not working anywhere and also she is residing at Chennai, and her father is no more and therefore, she cannot travel from Chennai to Salem to attend the Court hearings on a regular basis. Hence, he seeks transfer the case from the file of Family Court, Salem to the Sub Court, Tambaram.

2. The learned counsel further submitted that the petitioner who has no support from her family, is unable to attend the hearings of the case. Since the distance from Chennai to Salem is more than 200 Kms, the petitioner seeks withdrawal and transfer the case from the file of Family Court, Salem to the Sub Court, Tambaram, Chennai, mainly on the ground of convenience of the petitioner/wife.



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3. In a petition filed by the husband for divorce, the convenience of wife is relevant. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is fully convinced that the petitioner should not be put to much inconvenience by traveling such a long distance. Hence, this Court is inclined to allow this petition. Accordingly, HMOP.No. 338 of 2022 pending on the file of the Family Court, Salem, is hereby withdrawn and transfer the same to the Sub Court, Tambaram, Chennai.

4. This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.07.2023

Index:Yes/No
Speaking order : Yes/No
Neutral Citation : Yes/No
MSM

To
1.The Family Court, Salem.
2.The Sub Court, Tambaram, Chennai.



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V.BHAVANI SUBBAROYAN, J.

MSM

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