



Tr.C.M.P.(MD) No.295 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

Tr.C.M.P.(MD) No.295 of 2023

and

C.M.P(MD) No.6772 of 2023

Abirami

... Petitioner

Vs.

Rakesh Karthik

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the H.M.O.P.No.6 of 2023 on the file of the Principal Sub Court, Palani and transfer the same to the file of the Sub Court, Pudukkottai.

For Petitioner : M/s.A.Banumathy

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the wife for transfer of H.M.O.P.No.6 of 2023 from the file of the Principal Sub Court, Palani to the file of the Sub Court, Pudukkottai.



Tr.C.M.P.(MD) No.295 of 2023

2. Despite notice being served on the respondent/husband, there is no representation on the side of the respondent/husband.

3. According to the petitioner/wife, the respondent/husband filed H.M.O.P.No.6 of 2023 before the Principal Sub Court, Palani for dissolution of marriage solemnized between the petitioner/wife and the respondent/husband on 04.09.2017 and she has to travel along with her minor child aged about 5 years for more than 8 hours to reach the Court at Palani and no one is there to accompany.

4. It is submitted that the petitioner/wife and her child depend upon her parents for their livelihood and for their day to day necessities and therefore, it is very difficult for her to travel to Palani for attending the court and therefore, she prays for transfer of H.M.O.P.No.6 of 2023 from the file of the Principal Sub Court, Palani to the file of the Sub Court Pudukkottai.

5. The Hon'ble Supreme Court in the case of **Aarti Rani @ Pinki Devi and others Vs Dharmender Kumar Gupta** reported in **2008 (9) SCC 353** held that convenience of woman is to be taken into consideration.



Tr.C.M.P.(MD) No.295 of 2023

6. Therefore, considering the facts and circumstances of the case, H.M.O.P.No.6 of 2023 is directed to be transferred from the file of the Principal Sub Court, Palani to the file of the Sub Court Pudukkottai.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

09.08.2023

NCC :Yes/No
Internet: Yes/No
Index: Yes/ No
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To

- 1.The Principal Sub Judge, Palani
- 2.The Sub Judge, Pudukkottai.



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Tr.C.M.P.(MD) No.295 of 2023

K.GOVINDARAJAN THILAKAVADI, J.

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