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Tr.CMP No.530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.530 of 2023
and C.M.P.No.12414 of 2023

Jothi

.... Petitioner

-Vs-

Arasu

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw O.P.No.53 of 2022 from the Principal Subordinate Judge at Chengalpet and to transfer the same to the Family Court at Cuddalore.

For Petitioner : Mr.B.Ramar

For Respondent : Mr.R.Anbalagan

ORDER

The petitioner is the wife. She married the respondent on 15.09.2013 at Thirupporur. Thereafter they settled at Kalpakkam. Due to differences that have erupted between the petitioner and the respondent, the respondent has initiated H.M.O.P.No.53 of 2022 on the file of the Subordinate Judge at Chengalpattu. The petitioner states that on account of the fact that she was turned out of the matrimonial home, she has left Kalpakkam and she is currently residing with her



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parents at Cuddalore. Pleading inability to travel as well as financial constraints, she seeks for transfer of the case from Chengalpattu to Cuddalore.

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2. Notice was issued in this petition and the respondent appears through Mr.R.Anbalagan. He would state that the respondent has two daughters from his previous marriage and that one is married and the other is undergoing education at Salem. He would state that he is working at Kalpakkam and is not in a position to travel to Cuddalore. He would also state that he would bear the expenses of the travel of the petitioner from Cuddalore to Chengalpattu and would further add that since the petitioner's relatives are working in the Police Department, it would not be conducive for him to travel to Cuddalore to contest the case in case the proceedings are transferred to Cuddalore.

3. I have carefully considered the submissions made on either side. The fact that the petitioner is residing in Cuddalore is not in dispute. The further fact that the petitioner is dependent on her parents is also not in dispute. Under such circumstances, preference should be given to the convenience of the wife rather than the small hardships that the husband might face. The fact that the husband is willing to bear the travel expenses does not obviate the physical strain which the wife should have to undergo from Cuddalore to Chengalpattu.



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4. Taking the overall circumstances into consideration, I am inclined to accept the transfer petition. O.P.No.53 of 2022 pending on the file of the Principal Subordinate Judge at Chengalpattu is withdrawn and transferred to the file of the Family Court at Cuddalore. The Family Court, Cuddalore need not insist upon the appearance of the husband for every hearing. He shall be present for all essential hearings in person. For other procedural and non-essential hearings, the respondent husband shall be represented through counsel.

5. With the above directions, the Tr.C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The Principal Subordinate Judge, Chengalpattu.
- 2.The Family Court, Cuddalore.



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V. LAKSHMINARAYANAN, J.
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