



Tr.CMP.No.564 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.564 of 2023

and

C.M.P.No.13755 of 2023

Thillai

.. Petitioner

Vs.

S.Balasubramaniyan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.108 of 2020 on the file of the Subordinate Court at Thiruvarur to the file of the Family Court at Cuddalore.

For Petitioner : M/s.S.Varsha

For Respondent : M/s.P.Srividya
for Mr.A.Muthukumar

ORDER

The petitioner is the wife and the respondent is the husband. They both were married to each other on 07.06.2012 at Vaidheeswaran Koil.



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Subsequently, due to matrimonial disputes, the husband had initiated the proceedings before the Sub Court at Thiruvarur.

2. The petitioner is unemployed and in fact, she is represented by M/s.S.Varsha, who is the legal aid counsel. Both sides agreed that the husband has paid maintenance to the wife.

3. The wife pleads that she is unable to travel from Cuddalore to Thiruvarur for the purpose of contesting the litigation. This is strongly opposed by M/s.P.Srividya, appearing on behalf of the respondent/husband, who would state that her client has been maintaining his wife without any default of payment of arrears and the matter is pending before the Sub Court at Thiruvarur and the petitioner can always engage a counsel there and contest it.

4. Taking overall circumstances into consideration that the wife is unable to maintain herself and is dependent on her husband for maintenance, and also that, even before this Court she is dependent on the legal aid facility to move this petition, I feel it would be a difficult task for



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her to travel to Thiruvavur for every hearing. Therefore, despite the severe opposition made by M/s.P.Srividya, I am constrained to allow this transfer petition as the precedence that the wife gets priority as to where the matter must be tried.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. Hence, the proceedings in H.M.O.P.No.108 of 2020 which is now pending on the file of the Subordinate Court at Thiruvavur is withdrawn and it shall stand transferred to the file of the Family Court at Cuddalore.

6. It is made clear that the husband, being a senior citizen, who is aged about 64 years, need not be present for every hearing. However, he shall present for the hearings where his presence is indispensable. No costs. The connected Civil Miscellaneous Petition is closed.

17.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

1.The Subordinate Court,
Thiruvarur

2.The Family Court,
Cuddalore

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and

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