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Tr.C.M.P.No.645 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.645 of 2024
and C.M.P.No.13841 of 2024

V.Balapreethivika

.. Petitioner

Versus

B.Gowtham

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the petition in H.M.O.P.No.45 of 2023 on the file of the Sub-ordinate Court, Tirupattur and transfer the same to the file of the Family Court, Salem.

For Petitioner : Mr.A.Sriram

For Respondent : Mrs.A.Subadra

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of the wife.

2. The petitioner/wife married the respondent/husband on 04.11.2020 at Shevapet in Salem town. The parties separated on 12.03.2021. The



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husband has initiated proceedings for divorce on the grounds of cruelty and desertion before the Sub-court at Tirupattur. The wife is a resident of Shevapet which is 120 kms away from Tirupattur. The wife pleads that she is unable to travel this distance. Hence this petition.

3. Notice was ordered in the petition on 18.07.2024 and the respondent has entered appearance through Mrs.A.Subadra, learned Counsel.

4. Mr.A.Subadra, learned Counsel for the respondent would stiffly oppose the petition. She would plead that it is only before the Sub-Court and therefore, nothing prevents the wife from contesting the proceedings with the assistance of a Lawyer.

5. I have considered the arguments of both the sides.

6. The husband has initiated proceedings for divorce. The wife is a permanent resident of Shevapet in Salem. Though there are no children from the wedding, taking into consideration that the wife is only aged about



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28 years, it would be difficult for her to travel alone from Shevapet to Tirupattur and back. Taking into consideration the convenience of the wife, I am inclined to accept the plea of transfer.

7. This Transfer Civil Miscellaneous Petition stands allowed. The petition in H.M.O.P.No.45 of 2023 on the file of the Subordinate Court, Tirpuattur is withdrawn and transferred to the Family Court, Salem. On such transfer, the presence of the husband need not be insisted upon by the Family Court, Salem, for every hearing. It is sufficient, if he is present at every essential hearing. On all other non-essential or procedural hearings, he will be represented through a Counsel. No costs. Consequently, connected miscellaneous petition is closed.

06.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Sub-ordinate Judge,
Tirupattur.



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2. The Family Court,
Salem.



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V.LAKSHMINARAYANAN, J.

grs

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