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Tr.C.M.P.No.791 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.791 of 2024
and C.M.P.No.17372 of 2024

R.Divya

... Petitioner

Vs.

N.Prabu

... Respondent

PRAYER: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.51 of 2024 pending on the file of the Sub Court, Katpadi, Vellore District, and to transfer the same to the file of the Sub Court, Tiruttani, Tiruvallur.

For the Petitioner : Mr.L.Ramu

For the Respondent : Mr.S.Silambuselman

ORDER

The transfer petitioner is the wife. She married the respondent on 27.10.2017. The wedlock produced a female child who is aged about 2 years now.



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2. Due to disputes and differences, the parties have separated. The respondent/husband is working in the Indian Army and is currently posted at Himachal Pradesh. Making allegations against the wife, he has initiated proceedings invoking the provisions under Section 13 (i) (i-a) and Section 13 (1) (i) of the Hindu Marriage Act, before the Subordinate Court, Katpadi. The said proceeding has been numbered as H.M.O.P.No.51 of 2024.

3. On being served with the summons, the wife has initiated this transfer petition. She points out that she has 2 years old child and she finds it difficult to travel from Tiruttani to Katpadi.

4. The learned counsel for the petitioner adds that the wife is pregnant again and has undergone 6 months of gestation.

5. Taking the overall circumstances into consideration, the H.M.O.P.No.51 of 2024 on the file of the Sub Court, Katpadi is withdrawn and transferred to the file of the Sub Court, Tiruttani. The learned Subordinate Judge, Tiruttani, shall consider the fact that the respondent is working in the Indian Army and he cannot present himself for every hearing.



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The learned Subordinate Judge shall permit him to appear through a counsel.

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6. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

18.10.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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To

1.The Sub Judge,
Sub Court, Katpadi,
Vellore District.

2.The Sub Judge
Sub Court, Tiruttani,
Tiruvallur District.



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V.LAKSHMINARAYANAN, J.

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