



Tr Cmp.No.1063 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1063 of 2023

and

CMP.No.25571 of 2023

M.Hemalatha

...

Petitioner

/vs/

Ganesh Kumar

...

Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw HMOP No.151 of 2023 from the Family Court, Dharmapuri and transfer the same to the file of Sub Court, Hosur.

For Petitioner

...

Mr.M.S.Akash Daniel

For Respondent

...

Mr.V.Sakkarapani

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw HMOP No.151 of 2023 from the file of the Family Court, Dharmapuri and transfer the same to the file of the Sub Court, Hosur.

2.The learned counsel appearing for the petitioner submitted that the



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petitioner is wife and the respondent is husband. Out of the wedlock, they have a female child named Ruthika aged 3 ½ years. Due to misunderstanding between them, they separated. The respondent filed HMOP No.151 of 2023 before the Family Court, Dharmapuri seeking divorce on the ground of cruelty. The petitioner is residing with her parents' house along with her 3 ½ year old child at Hosur and she finds it very difficult to attend each and every hearing of the said proceedings before the Family Court, Dharmapuri, the distance between Dharmapuri and Hosur is more than 150 kilometres. Hence, she prays transfer the case in HMOP No.151 of 2023 from the file of the Family Court, Dharmapuri to the file of the Sub Court, Hosur and prayed to allow the transfer civil miscellaneous petition.

3.The learned counsel appearing for the respondent objected to transfer the HMOP No.151 of 2023 from the file of the Family Court, Dharmapuri to the file of the Sub Court, Hosur and prayed to dismiss the transfer civil miscellaneous petition.



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4.I have considered the matter in the light of the submissions made by the learned counsel on either side and perused the materials available on records.

5.On perusal of the records, it is noticed that the respondent/husband filed HMOP No.151 of 2023 on the file of the Family Court, Dharmapuri for divorce against the petitioner/wife on the ground of cruelty and it is not disputed that the petitioner is having 3 ½ year old child, she is not working and residing with her parents' house at Hosur.

6.Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP No.151 of 2023 from the file of the Family Court, Dharmapuri to the file of the Sub Court, Hosur.

7.In view of the above, HMOP No.151 of 2023 is directed to be withdrawn from the file of the Family Court, Dharmapuri and transferred the same to the file of the Sub-Court, Hosur. The Family Judge,



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Dharmapuri is hereby directed to send entire records to the Sub-Court, Hosur, within a period of two weeks from the date of receipt of a copy of this order and the learned Sub Judge, Hosur is directed to issue notice to the respondent and dispose of the case as early as possible.

In the result, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
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To

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The Family Court, Dharmapuri.

V.SIVAGNANAM,J.



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