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Tr.CMP.No.1100 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.1100 of 2023

and

CMP.No.26416 of 2023

S.Vinoth Kumar

...

Petitioner

/vs/

M.Prabha

...

Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the O.P.No.34 of 2023 on the file of the learned the Sub Court, Ramanathapuram and transferred the same to the learned Family Court, Chennai.

For Petitioner

...

Mr.R.Raj Mohan

For Respondent

...

Mr.S.Anil Sandeep

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the O.P.No.34 of 2023 on the file of the Sub Court, Ramanathapuram and transfer the same to the Family Court, Chennai.



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2. The petitioner and the respondent are husband and wife. They got married on 08.05.2019. Due to some misunderstanding, they separated. The respondent/wife filed HMOP No.34 of 2023 against the petitioner/husband for divorce on the file of the Sub Court, Ramanathapuram. Now, the transfer civil miscellaneous petition has been filed to transfer the case from the file of the Sub Court, Ramanathapuram to Family Court, Chennai.

3. The learned counsel appearing for the petitioner submitted that the respondent's native place is at Sivagangai District. Whereas the respondent filed the case at Ramanathapuram District i.e., Sub Court at Ramanathapuram, only to drag the petitioner from Chennai to Ramanathapuram. The distance between Sivagangai District to Ramanathapuram District is 150 kilo meters and the respondent/wife is residing at Chennai along with their parents and the last resided together is also at Chennai. Since the respondent being the wife taking advantage has filed the case before the Ramanathapuram Sub Court and there is a threat



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to this petitioner and this petitioner cannot travel each and every hearing for counselling or for mediation from Chennai to Ramanathapuram and every hearing if he takes leave then there will be loss of pay for the petitioner. The case is pending for mediation before the Ramanathapuram Sub Court. Further, the petitioner's mother since is alone, she needs proper care and attention. He further submitted that the petitioner is ready to give divorce to the respondent and thus, pleaded to allow the transfer civil miscellaneous petition.

4.The learned counsel appearing for the respondent objected the contention raised in the transfer petition and submitted that the respondent is residing with her parents at Ramanathapuram and she come to Chennai along with her mother occasionally for her treatment. The respondent is not a working woman and thus, pleaded to dismiss the transfer civil miscellaneous petition.



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5.Considering the submission made by the learned counsel for the petitioner/husband that he is ready to give divorce to the respondent/wife, this transfer civil miscellaneous petition is dismissed with liberty to the petitioner to approach the Court for getting mutual divorce. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

27.02.2024

To

The Sub Court, Ramanathapuram.



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V.SIVAGNANAM ,J.

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