



WEB COPY



Tr.CMP No.1197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.1197 of 2023
and C.M.P.No.28662 of 2023

C.Kayalvizhi Petitioner

-Vs-

G.Senthilkumaran Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw HMOP No.207 of 2022 on the file of the Sub Court at Kanchipuram to the Sub Court at Thittagudi, Cuddalore District.

For Petitioner : Mr.R.Anbalagan

For Respondent : Mr.D.Vijayan

ORDER

HMOP No.207 of 2022 has been initiated by the husband for divorce on the file of the Subordinate Court at Kanchipuram. The marriage between the petitioner and the wife was solemnized on 09.11.2016 at Neyveli. From the wedlock, a child was born on 26.12.2020. It is not in dispute that the child is in the custody of the mother at Tittakudi. The petitioner pleads inability to transfer from Thittagudi to Kanchipuram to attend the hearing. Hence this transfer petition.



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2. Learned counsel for the respondent would submit that he is working in Kunrathur and would have difficulties to travel to Thittagudi. The law always leans in favour of the wife when it comes to applications under Section 24 of C.P.C.

3. Taking into consideration the fact that wife is residing in Thittagudi and is taking care of a 3½ years old, I am inclined to accept the transfer petition. The grievance of the respondent that he is not in a position to travel for every hearing does not quite appeal to me since he could always engage a counsel at Thittagudi and contest the proceedings. His presence will be essential only at the time of evidence.

4. Consequently, the proceedings in HMOP No.207 of 2022 is withdrawn from the file of the Subordinate Court, Kanchipuram and transferred to the file of the Subordinate Court, Thittagudi, Cuddalore District. The Tr.C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

KST



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To

1.The Subordinate Court,
Kanchipuram.

2.The Subordinate Court
Thittagudi, Cuddalore District.



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V. LAKSHMINARAYANAN, J.

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