



Tr.CMP.No.1176 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1176 of 2023

and

C.M.P.No.28095 of 2023

S.Nivedha

.. Petitioner

Vs.

S.Sathishkumar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.18 of 2023 pending on the file of the learned Subordinate Judge at Polur, Thiruvannamalai District and transfer the same to the file of the learned Subordinate Judge at Alandur to be tried along with H.M.O.P.No.572 of 2023.

For Petitioner : Mr.B.Thirumalai

For Respondent : Served, No Appearance

ORDER



Tr.CMP.No.1176 of 2023

The present Transfer Civil Miscellaneous Petition is at the instance of the wife.

2. She married the respondent on 14.06.2021 at Thirukovilur, Kallakurichi District. Thereafter, due to disputes and differences that arose between the parties, the respondent/husband has initiated the proceeding in H.M.O.P.No.18 of 2023 on the file of the learned Subordinate Judge at Polur, Thiruvannamalai District seeking divorce.

3. The wife has also moved an application seeking divorce in H.M.O.P.No.572 of 2023 before the Sub Court at Alandur. She pleads that it is difficult for her to contest the proceedings at Polur as well as at Alandur. She further pleads that the distance between Polur and Alandur is about 400 Kms to and fro and therefore, she seeks transfer of proceeding in Polur to Alandur.

4. Notice was ordered in the transfer petition to the respondent on 19.12.2023. Despite service of notice, the husband has not entered appearance through a counsel nor is he present in-person to oppose this



Tr.CMP.No.1176 of 2023

application.

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5. Taking into consideration the fact that as there are three proceedings pending, namely H.M.O.P.No.18 of 2023 on the file of the Sub Court at Polur, H.M.O.P.No.572 of 2023 on the file of the Sub Court at Alandur and finally, D.V.C.No.14 of 2023 on the file of the learned Additional Mahila Court at Alandur, I feel that the interest of justice requires that both the divorce proceedings be heard and decided by the same learned Judge.

6. Furthermore, it is the convenience of the wife which should be given precedence, and the distance between Polur and Alandur being considerable, I am inclined to allow this transfer petition.

7. Hence, the proceeding in H.M.O.P.No.18 of 2023 pending on the file of the Sub Court at Polur at Tiruvannamalai is withdrawn and it shall stand transferred to the file of the Sub Court at Alandur to be heard and disposed of along with H.M.O.P.No.572 of 2023.



Tr.CMP.No.1176 of 2023

8. The learned Subordinate Judge at Alandur is requested to give a date which coincides with the date given by the learned Additional Mahila Court at Alandur in D.V.C.No.14 of 2023 so as to obviate the necessity of the husband to travel twice for the purpose of attending the hearings.

9. With the above observations, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.



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Tr.CMP.No.1176 of 2023

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To

- 1.The learned Subordinate Judge at Polur,
Tiruvannamalai
- 2.The learned Subordinate Judge,
Alandur

Tr.CMP.No.1176 of 2023
and
C.M.P.No.28095 of 2023

23.07.2024