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Tr.CMP.No.1189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1189 of 2023

and

C.M.P.No.28578 of 2023

N.Nandhini

.. Petitioner

Vs.

M.Nagendra Kumar

.. 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.265 of 2023 pending on the file of the Principal Sub Court at Madurai and transfer the same to the file of the Sub Court at Poonamallee.

For Petitioner : Mr.A.G.Rajan

For Respondent : Served, No Appearance

ORDER

The wife is the petitioner before me. She married the respondent on 02.12.2019. From the wedlock, a child was born on 18.02.2022.



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2. Due to disputes and differences, the parties have separated. The petitioner/wife specifically pleads that the husband is working as an Accountant in a private firm at Gandhipettai in Thiruvallur, Kanchipuram District.

3. The husband, taking advantage of the fact that the marriage took place at Chozha Vanthan, has initiated the proceeding in H.M.O.P.No.265 of 2023, seeking divorce, before the learned III Additional Subordinate Judge at Madurai.

4. The petitioner/wife pleads that she is unable to travel the distance of 450 Kms from Kundrathur to Madurai to attend every hearing.

5. Notice was ordered in this transfer petition, and the respondent was served on 22.12.2023. Despite service of notice, the husband has not entered appearance through a counsel nor is he present in-person to oppose this application.



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6. Taking into consideration the fact that the petitioner/wife is tending to a two year old child, I am inclined to allow this transfer petition.

7. Hence, the proceeding in H.M.O.P.No.265 of 2023 pending on the file of the learned III Additional Subordinate Judge at Madurai is withdrawn and it shall stand transferred to the file of the learned Subordinate Judge at Poonamallee.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. The connected Civil Miscellaneous Petition is closed.

23.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

- 1.The III Additional Subordinate Judge,
Madurai
- 2.The learned Subordinate Judge,
Poonamallee

Tr.CMP.No.1189 of 2023

and

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