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Tr.C.M.P(MD)No.184 of 2



THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Tr.C.M.P(MD)No.184 of 2024
and
C.M.P(MD)No.4051 of 2024**

Rajalakshmi

... Petitioner

Vs.

Balaji

...Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.8 of 2024 pending on the file of the Subordinate Court, Palacode and transfer the same to any of the competent Court at Dindigul District more particularly to the file of the Principal Subordinate Court, Dindigul.

For Petitioner

:Mr.N.Sathish Babu

For Respondent

:Mr.S.Sarvagan Prabhu

ORDER

This transfer civil miscellaneous petition is filed by the petitioner/wife with a prayer to withdraw the proceeding in HMOP No.8 of 2024 from the file of the Subordinate Court, Palacode and to transfer the same to any of the competent Court at Dindigul District.



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2. The learned counsel appearing on behalf of the petitioner taking this Court through the affidavit filed in support of the application would submit that the petitioner has specifically pleaded the hardship in paragraph No.10 of the affidavit that she and her girl child are being in the care of her aged parents and therefore, she is not in a position to travel and the distance is also more than 300 kms.

3. The learned counsel appearing on behalf of the respondent/husband would oppose the said prayer.

4. I have considered the rival submissions made on either side and perused the materials available on record.

5. The petitioner has pleaded the hardship faced by her and therefore, when the petitioner has a young girl child and she is residing with her parents near Dindigul, this is the fit case, where this Court can exercise its jurisdiction and transfer the case.

6. In view thereof, the Transfer Civil Miscellaneous Petition is allowed on the following terms:



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The H.M.O.P.No.8 of 2024 pending on the file of the Subordinate Court, Palacode, Dharmapuri District, is withdrawn and transferred to the file of the Family Court, Dindigul.

No costs. Consequently, connected Miscellaneous Petition is closed.

02.07.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
Rmk

To

- 1.The Subordinate Judge, Palacode.
- 2.The Principal Subordinate Judge, Dindigul.
- 3.The Judge, Family Court, Dindigul.
- 4.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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