



TR.CMP(MD).No.521 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

TR.CMP(MD).No.521 of 2021 and
CMP(MD).No.9622 of 2021

Nachammai @ Shanthi

... Petitioner

Vs.

S.Chellappan

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the HMOP.No.87 of 2021 from the file of Sub Court, Tambaram and transfer the same to Sub Court, Devakottai.

For Petitioner : Mr.P. Venkata Subramanian

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in HMOP.No.87 of 2021 from the file of Sub Court, Tambaram and transfer the same to the file of Sub Court, Devakottai.



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2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 14.09.2008. The respondent and his family members tortured the petitioner both mentally and cruelly. Hence, she filed DVC.No.3 of 2021 on the file of the Judicial Magistrate, Karaikudi. Subsequently, the respondent filed HMOP.No.87 of 2021, before the Sub Court, Tambaram for divorce.

3. Now, the petitioner is residing at Karaikudi with her aged parents. The distance between Karaikudi and Chennai is approximately 500 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend HMOP.No.87 of 2021, before the Sub Court, Tambaram. Further, no one is accompanied her to attend the hearing at Chennai. In the above circumstances, she filed the present Transfer Civil Miscellaneous Petition to transfer the HMOP.No.87 of 2021 from the file of Sub Court, Tambaram to the file of Sub Court, Devakottai.

4. Even though the notice was served upon the respondent, he has not chosen to appear before this Court either in person or through Advocate. So after hearing the learned Counsel for the petitioner, this



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order is passed.

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5. It is well settled law that whenever, the transfer petition is filed in matrimonial disputes, the convenience of the wife shall be given preference. Therefore, I am of the view that the petition filed by the wife is liable to be allowed.

5. Accordingly, the Transfer CMP is allowed and HMOP.No. 87 of 2021 pending on the file of the Sub Court, Tambaram is ordered to be withdrawn and transferred to the file of Sub Court, Devakottai. The Subordinate Judge, Tambaram is directed to transmit the entire records pertaining to the case in HMOP.No.87 of 2021 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

25.03.2024

Internet : Yes / No

Index : Yes / No

trp

To

1. The Sub Court, Tambaram

2.The Sub Court, Devakottai.



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G.ILANGOVAAN,J.

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