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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

TR CMP No. 685 of 2025

AND

CMP NO. 16225 OF 2025

1. NANDHINI

W/o.Gokulraj,

No.52/1A, Eglaspuram Village,

Vadakkupattu Post, Vaniyambadi Taluk,

Tirupathur District.

2. Minor Barath,

S/o.Gokulraj,

Minor represented by the Mother (1st

Petitioner), No.52/1A, Eglaspuram

Village, Vadakkupattu Post,

Vaniyambadi Taluk, Tirupathur District.

Petitioners

Vs

GOKULRAJ

S/o.Anandhavel, Pavakkal Village and

Post, Uthangarai Taluk, Krishnagiri

District.

Respondent



PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP No.73 of 2024 pending on the file of the Sub Court, Uthangarai and transfer the same to the file of Sub Court, Vaniyambadi.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.J.Ravikumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the HMOP No.73 of 2024 pending on the file of the Subordinate Court, Uthangarai and to transfer the same to the file of the Subordinate Court, Vaniyambadi.

2. The petitioner/wife has come with the present transfer civil miscellaneous petition seeking transfer of HMOP No.73 of 2024 from the file of the Subordinate Court, Uthangarai to the file of the Subordinate Court, Vaniyambadi.

3. The learned counsel appearing for the petitioners submitted that the marriage between the first petitioner/wife and the respondent/husband was



solemnized on 15.11.2019 at Murugan Temple, Jalagambarai, Tirupathur

District, as per Hindu rites and customs. Out of their wedlock, a male child was

born on 03.10.2022. Due to misunderstanding that arose between the first

petitioner and the respondent, they are residing separately. The respondent-

husband had filed a petition in HMOP No.73 of 2024 before the Sub Court,

Uthangarai, Krishnagiri District, praying for divorce by dissolving their

marriage. The first petitioner/wife has also filed a maintenance case in

M.C.No.17 of 2024 before the Judicial Magistrate Court, Vaniyamabadi and the

same is pending.

4. Learned counsel for the petitioner further submitted that the first petitioner/wife is staying along with her parents and they are aged persons.

Hence, the first petitioner is unable to attend the case hearing by travelling a

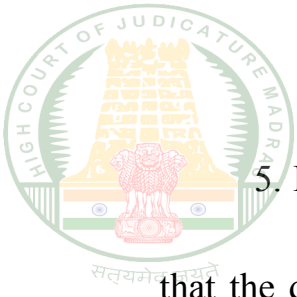
distance of more than 150 Kilometers from the native place ie., from

Eglasapuram to Uthangarai and vice versa. The petitioner has to travel in a bus

for about four hours for every hearing. Hence, it is just and necessary to transfer

the HMOP No.73 of 2024 pending on the file of the Sub Court, Uthangarai,

Krishnagiri District to the file of the Sub Court, Vaniyambadi.



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5. Per contra, the learned counsel appearing for the respondent submitted that the distance between the two Courts is just 50 Kms only and hence this petition filed by the petitioner is clear abuse of process of law and the same is liable to be dismissed.

6. This Court is satisfied with the reasons stated in the affidavit filed in support of the petition. In the interest of justice, this Court is inclined to allow this petition. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected miscellaneous petition is closed. The case in HMOP No.73 of 2024 is withdrawn from the file of the Sub Court, Uthangarai and the same is transferred to the file of the Sub Court, Vaniyambadi.

03-09-2025

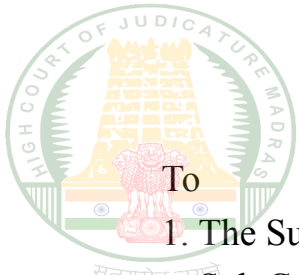
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Subordinate Judge,
Sub Court, Uthangarai.

2. The Subordinate judge, Sub Court, Vaniyambadi.



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MR.M.JOTHIRAMAN.J

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