

DATED: 24.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.950 of 2024

&

C.M.P.No.20735 of 2024

R.Rasathi ... Petitioner
Vs

Dhinesh ... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case HMOP No.101 of 2023 on the file of the Subordinate Court, Polur, Thiruvannamalai District and transfer to the Subordinate Court, Gingee, Villupuram District.

For Petitioner : Mr.C.Munusamy

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.101 of 2023 from the file of the Subordinate Court, Polur, Thiruvannamalai District and transfer the same to the file of the Subordinate Court, Gingee, Villupuram District.



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WEB COPY 2. I heard Mr.C.Munusamy for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 15.04.2022. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in HMOP.No.101 of 2023 for restitution of conjugal rights before the Subordinate Court, Polur. The petitioner/wife initiated proceedings in HMOP No.107 of 2023 for divorce before the Subordinate Court, Gingee. Pleading that the wife is residing in Melsithamur Village, Gingee Taluk, Villupuram District and unable to travel from Villupuram to Thiruvannamalai, she has moved this transfer petition.



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5. This Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Villupuram and Thiruvannamalai is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, HMOP No.101 of 2023 is withdrawn from the file of the Subordinate Court, Polur, Thiruvannamalai and transferred to the file of the Subordinate Court, Gingee, Villupuram District. The learned Subordinate Judge, Gingee, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.107 of 2023, which is said to be pending on his file.

7. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

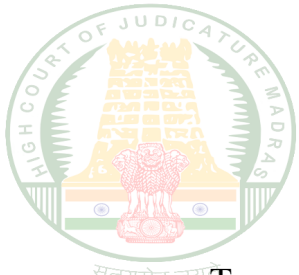
Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

24.01.2025



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सत्यमेव जयते
To
WEB COPY
1.The Subordinate Court, Polur, Thiruvannamalai District.
2.The Subordinate Court, Gingee, Villupuram District.



WEB COPY



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V. LAKSHMINARAYANAN,J.

mrp

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