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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

Tr.CMP.No.1155 of 2024

& CMP.No.25209 of 2024

D.Anandhi

... Petitioner

Vs.

M.Prakash

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw HMOP.No.39 of 2024 pending on the file of the Sub-Court, Sankari and transfer to Sub-Court, Dharapuram.

For Petitioner : Mr.B.Vijayakumar

For Respondent : Mr.Murugabharathi

ORDER

The petitioner/wife has come up with this transfer petition, seeking transfer of HMOP.No.39 of 2024 filed by the respondent/husband from the file of the Sub-Court, Sankari, to the file of the Sub-Court, Dharapuram.



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2.The learned counsel for the petitioner, taking me through the averments in the affidavit filed in support of the transfer petition, would contend that the petitioner suffers from Muscular Dystrophy disability which is a neurological disorder and she find it really difficult to travel 120 kms for attending the hearings at Sankari from the place of her residence.

3.The learned counsel for the respondent/husband seriously disputes the averments set out in the affidavit filed in support of the transfer petition. He would further state that the averments are self serving and the petitioner has projected false reasons to seek transfer, with the ulterior motive of harassing the respondent/husband.

4.I have carefully considered the submissions advanced by the learned counsel on either side.

5.I find that the petitioner, being wife, is the respondent in the proceedings initiated by her husband before the Sub-Court, Sankari, seeking dissolution of the marriage. Admittedly, the petitioner resides in Dharapuram Taluk and the Sub-Court, Sankari is situate more than 100 kms away from the place of her residence. The petitioner also states that she



suffers from neurological disorder and has to depend on her elderly parents for travelling all the way to Thotttiandurai to Sankari to attend the hearings.

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6.Considering the above, I am inclined to accept the request for transfer. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in HMOP.No.39 of 2024 is hereby withdrawn from the file of the Sub-Court, Sankari, and transferred to the file of the Sub-Court, Dharapuram. However, the Sub-Court, Dharapuram, shall not insist upon the physical presence of the respondent/husband for all the hearings, except when it was absolutely necessary. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

17.06.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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To

- 1.The Sub-Court, Sankari.
- 2.The Sub-Court, Dharapuram.

3/4



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P.B. BALAJI,J.

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