

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.747 of 2015

and

M.P.No.1 of 2015

Sharmila ... Petitioner

Vs.

Karthikeyan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case in H.M.O.P.No.204 of 2015 pending on the file of the Principal Sub-court, Thanjavur and transfer the same to the Family Court, Chennai.

For petitioner : Mr.R.Rajaramani

For respondent : Notice served - No appearance

ORDER

The wife has asked for transfer of H.M.O.P.No.204 of 2015 filed by the respondent-husband before the Principal Sub-Court, Thanjavur for restitution of conjugal rights. It is stated that the respondent-husband already got divorce from the first wife. The petitioner-wife is residing in Chennai with her brother, as her parents are no more and finds it difficult to travel all along from Chennai to Thanjavur for the hearings of the case, as the distance between Chennai and Thanjavur is about 250 Kms. It is further stated that she could not afford the expenses for appearing before the Court hearings in Thanjavur. She is unemployed and depending on her brother. Admittedly, the respondent-husband is living in Thanjavur. It is difficult for the petitioner-wife to be personally present in the matrimonial proceedings before the Thanjavur Court. As it is mandatory for the parties to be personally present in Court for hearings of matrimonial cases before a Family Court, the learned counsel for the petitioner-wife fairly conceded that the said H.M.O.P. may

be transferred to the Sub-Court, Tambaram, where both parties can be represented by a counsel and face the trial. Moreover, in the Transfer cases, the convenience of the wife is to be given more preference. Accordingly, as agreed by both parties, H.M.O.P.No.204 of 2015 pending on the file of the Principal Sub-Court, Thanjavur, shall stand withdrawn and transferred to the Sub-Court, Tambaram. The Tr.C.M.P. is ordered accordingly. No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Principal Sub-Judge, Thanjavur.
2. The Sub-Judge, Tambaram.

+1cc to Mr.R. Rajaramani, Advocate, S.R.No.12390

vsn(CO)
md(07/03/2017)

Tr.C.M.P.No.747 of 2015

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