



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.215 of 2021
and C.M.P.No.6039 of 2021

K.G.Aravindhini

.. Petitioner/Respondent

Vs.

G.Prabhakaran

.. Respondent/Petitioner

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.557 of 2020 pending on the file of the Subordinate Court, Poonamallee and transfer the same to the Subordinate Court, Tambaram.

For Petitioner : Ms.P.Mahalakshmi

For Respondent : No appearance

O R D E R

(The case has been heard through video conference)

The petitioner, being the wife of the respondent herein, has come up with the present petition seeking to transfer H.M.O.P.No.557 of 2020, filed by the respondent for restitution of conjugal rights, which is pending on the file of the Subordinate Court, Poonamallee to the file of the Subordinate Court, Tambaram.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parents house at Urapakkam along with her three year old child and she finds it very difficult to travel about from Urapakkam to Poonamallee for attending the Court on every hearings in H.M.O.P.No.557 of 2020. Therefore, on the ground of convenience, she seeks to transfer the case from the Subordinate Court, Poonamallee to the file of the Subordinate Court, Tambaram.

3. It is seen from the records that notice has been served on the respondent through Court on 01.04.2021 and privately on 10.04.2021 and though his name appears in the cause list, he did



not appear either in person or through any counsel. Hence, this Court proceeds to pass orders on merit.

4. It is well settled that the wife's convenience should be considered while deciding whether the matrimonial dispute should be transferred to the place of the wife. Hence, this Court is inclined to withdraw the H.M.O.P.No.557 of 2020 from the file of the Subordinate Court, Poonamallee and transfer the same to the file of the Subordinate Court, Tambaram. The learned Subordinate Judge, Poonamallee is directed to transmit the papers pertaining to H.M.O.P.No.557 of 2020 to the file of the Subordinate Court, Tambaram, forthwith. The learned Subordinate Judge, Tambaram, is directed to dispose of the case in H.M.O.P.No.557 of 2020 on merits and in accordance with law as expeditiously as possible.

5. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge,
Poonamallee.

2.The Subordinate Judge,
Tambaram.

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AKII (CO)
PR (27/08/2021)