



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

TR.C.M.P.NO.148 OF 2021

AND

C.M.P.NO.4397 OF 2021

G.Arunadevi

.. Petitioner

Vs.

Raja @ Pushparaja

.. Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.156 of 2020 pending on the file of the Sub Court, Kovilpatti and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.S.B.Viswanathan

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.156 of 2020, filed by her for divorce, which is pending on the file of the Sub Court, Kovilpatti to the file of the Family Court, Chennai.



2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parents house at Chennai pursuing her BDS course and now she finds it very difficult to travel from Chennai to Kovilpatti for attending the Court on every hearings in H.M.O.P.No.156 of 2020. It is further submitted that due to wrong legal advice she filed the petition for divorce in Kovilpatti. It is further submitted that considering the bad antecedents of the respondent there is also life threat to the petitioner. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Subordinate Court, Kovilpatti to the file of the Family Court, Chennai.

3. It is seen from the records that notice has been served on the respondent through Court on 18.03.2021 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, considering the facts and circumstance of the case, this Court is inclined to withdraw the H.M.O.P.No.156 of 2020 from the file of the Subordinate Court, Kovilpatti and transfer the same to the file of the Family Court, Chennai. The learned Subordinate Judge, Kovilpatti is directed to transmit the papers pertaining to H.M.O.P.No.156 of 2020 to the file of the Family Court, Chennai, forthwith. The learned Judge, Family Court, Chennai, is directed to dispose of the case in H.M.O.P.No.156 of 2020 on merits and in accordance with law as expeditiously as possible.

5. The personal appearance of both parties before the Family Court, Chennai, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.



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

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Kovilpatti.
2. The Judge,
The Family Court,
Chennai.

+1cc to Mr.S.B.Viswanathan, Advocate, S.R.No.40652

Tr.C.M.P.No.148 of 2021
and C.M.P.No.4397 of 2021

PA(CO)
RLP(23/09/2021)