



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.211 of 2021
and C.M.P.No.5989 of 2021

D.Elakkiya

...Petitioner

Vs.

R.Dhinakaran

...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.101 of 2020 pending on the file of the Subordinate Court, Chidambaram and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.K.Balasubramaniam

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.101 of 2020, filed by the respondent for divorce, which is pending on the file of the Subordinate Court, Chidambaram to the file of the Family Court, Coimbatore.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a housewife and she is residing in her parents house at Coimbatore along with her three children and she finds it very difficult to travel about 342 kms from Coimbatore to Chidambaram for attending the Court on every hearings in H.M.O.P.No.101 of 2020. Further, she also apprehend that she may be attacked by the respondent's family members if she goes to the Court at Chidambaram. She also filed a petition seeking maintenance in M.C.No.12 of 2018 and the same is pending before the learned Judicial Magistrate, Sulur. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Subordinate Court, Chidambaram to the file of the Family Court, Coimbatore.



3. It is seen from the records that notice has been served on the respondent through Court on 07.04.2021 and privately on 31.03.2021 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, this Court is inclined to withdraw the H.M.O.P.No.101 of 2020 from the file of the Subordinate Court, Chidambaram and transfer the same to the file of the Family Court, Coimbatore. The learned Subordinate Judge, Chidambaram is directed to transmit the papers pertaining to H.M.O.P.No.101 of 2020 to the file of the Family Court, Coimbatore, forthwith. The learned Judge, Family Court, Coimbatore, is directed to dispose of the case in H.M.O.P.No.101 of 2020 on merits and in accordance with law as expeditiously as possible.

5. The personal appearance of both parties before the Family Court, Coimbatore, 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 V)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge, Chidambaram.

2.The Judge Family Court, Coimbatore.

+1 CC to Mr.K.Balasubramaniam, Advocate, Sr.No.38708.

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RSV(CO)
LS(31/08/2021)