



WEB COPY

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.175 of 2021
and C.M.P.No.5232 of 2021

Krishnaveni

...Petitioner/Respondent

Vs.

Sivakumar

...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.119 of 2019 pending on the file of the Subordinate Court, Sankari, Salem District and transfer the same to the Family Court, Tiruppur.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.R.Saravanan

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.119 of 2019, filed by the respondent for divorce, which is pending on the file of the Subordinate Court, Sankari to the file of the Family Court, Tiruppur.

2. The learned counsel appearing for the petitioner submitted that the petitioner is an unemployed woman residing with her aged widow mother in Tiruppur and she finds it very difficult to travel about 80 kms from Tiruppur to Sankari for attending the Court on every hearings in H.M.O.P.No.119 of 2019. Therefore, on the ground of convenience, she seeks to transfer the case from the Subordinate Court, Sankari to the file of the Family Court, Tiruppur.

3. Mr.R.Saravanan, learned counsel appearing for the respondent strongly opposing the transfer of the case from Sankari to Tiruppur, submitted that the respondent is taking care of the child and he is ready to bear the travel expenses of the petitioner.



4. I have considered the rival submissions.

5. 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.119 of 2019 from the file of the Subordinate Court, Sankari to the file of the Family Court, Tiruppur. The learned Subordinate Judge, Sankari is directed to transmit the papers pertaining to H.M.O.P.No.119 of 2019 to the file of the Family Court, Tiruppur, forthwith. The learned Judge, Family Court, Tiruppur, is directed to dispose of the case in H.M.O.P.No.119 of 2019 on merits and in accordance with law as expeditiously as possible.

6. The personal appearance of both parties before the Family Court, Tiruppur, 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.

7. 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, Sankari.

2.The Judge Family Court, Tiruppur.

+1 CC to Mr.T.Saikrishna, Advocate, Sr.No. 38783.

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VG-II(CO)
LS(31/08/2021)