



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.173 of 2021
and C.M.P.No.5191 of 2021

R.Kowsalya .. Petitioner
Vs.

P.Narayanan .. 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.215 of 2020 on the file of the Subordinate Court at Kancheepuram and transfer the same to the Family Court at Cuddalore.

For Petitioner : Mr.E.Sathiyaraj

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.215 of 2020, filed by the respondent for restitution of conjugal rights, which is pending on the file of the learned Subordinate Judge, Kancheepuram to the file of the Family Court, Cuddalore.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her aged parents house along with her 4 years old child at Cuddalore and she finds it very difficult to travel from Cuddalore to Kancheepuram for attending the Court on every hearings in H.M.O.P.No.215 of 2020. Therefore, on the ground of convenience, she seeks to transfer the case from the Subordinate Court at Kancheepuram, Kancheepuram District to the file of the Family Court at Cuddalore, Cuddalore District.

3. It is seen from the records that notice has been served on the respondent through Court on 03.04.2021 and privately on 23.03.2021 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. The petitioner being the wife, her convenience will have some relevance when this Court considers the matters regarding transfer of proceedings. Hence, this Court is inclined to withdraw the H.M.O.P.No.215 of 2010 from the file of the Subordinate Court at Kancheepuram and transfer the same to the file of the Family Court at Cuddalore. The learned Subordinate Judge, Kancheepuram is directed to transmit the papers pertaining to H.M.O.P.No.215 of 2020 to the file of the Family Court, Cuddalore, forthwith. The learned Judge, Family Court at Cuddalore, is directed to dispose of the case in H.M.O.P.No.215 of 2020 on merits and in accordance with law as expeditiously as possible.

5. The personal appearance of both parties before the Family Court, Cuddalore, 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,
Kancheepuram.

2.The Judge,
Family Court,
Cuddalore.

+1cc to M/s.E.Sathiyaraj, Advocate Sr No.39140

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SSV (CO)
PR (26/08/2021)