



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.224 of 2021
and C.M.P.No.6280 of 2021

R.Sumitha .. Petitioner

Vs.

V.Bharani Raghav .. Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.2826 of 2020 pending on the file of the Family Court No.V, Chennai and transfer the same to the Principal Subordinate Court, Mayiladuthurai.

For Petitioner : Mr.S.Sounthar

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.2826 of 2020, filed by the respondent for annulment of marriage, which is pending on the file of the Family Court No.V, Chennai to the file of the Principal Subordinate Court, Mayiladuthurai.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing at Mayiladuthurai along with her parents and she finds it very difficult to travel nearly 275 kms from Mayiladuthurai to Chennai for attending the Court on every hearings in H.M.O.P.2826 of 2020. Therefore, on the ground of convenience, she seeks to transfer the case from the Family Court No.V, Chennai to the file of the Principal Subordinate Court, Mayiladuthurai.

3. Today, when the matter was called, the respondent did not appear either in person or through any counsel and hence the matter was passed over and after the list was over, the matter



was again called and none represented the respondent. 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 circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, this Court is inclined to withdraw H.M.O.P.2826 of 2020 from the file of the Family Court No.V, Chennai and transfer it to the file of the Principal Subordinate Court, Mayiladuthurai. The learned Judge, Family Court No.V, Chennai is directed to transmit the papers pertaining to H.M.O.P.2826 of 2020 to the file of the Principal Subordinate Court, Mayiladuthurai, forthwith. The learned Principal Subordinate Judge, Mayiladuthurai, is directed to dispose of the case in H.M.O.P.2826 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 V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
Family Court No.V,
Chennai.

2.The Principal Subordinate Judge,
Mayiladuthurai.

+1cc to Mr.S.Sounthar, Advocate Sr No.38727

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GP (CO)
PR (31/08/2021)