



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.251 of 2021
and C.M.P.No.6900 of 2021

Maria Aswini @ Aswini

.. Petitioner

Vs.

Antony

.. Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in I.D.O.P.No.149 of 2020 pending on the file of the Family Court at Tiruvallur and transfer the same to the Family Court at Erode.

For Petitioner : Mr.U.Gokulakrishnan

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 I.D.O.P.No.149 of 2020, filed by the respondent for restitution of conjugal rights, which is pending on the file of the Family Court, Tiruvallur to the file of the Family Court, Kanyakumari.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing at Kanyakumari along with her four year old child in her parents house and she finds it very difficult to travel nearly 700 kms from Kanyakumari to Tiruvallur for attending the Court on every hearings in I.D.O.P.No.149 of 2020. She also apprehend that there may be some threat to her life if she goes to the Court at Tiruvallur as the respondent's parents and near relatives are based in Tiruvallur. Therefore, on the ground of convenience, she seeks to transfer the case from the Family Court, Tiruvallur to the file of the Family Court, Kanyakumari.

3. It is seen from the records that notice has been served on the respondent through Court on 01.05.2021 and privately on 26.04.2021 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 I.D.O.P.No.149 of 2020 from the file of the Family Court, Tiruvallur and transfer it to the file of the Family Court, Kanyakumari. The learned Judge, Family Court, Tiruvallur is directed to transmit the papers pertaining to I.D.O.P.No.149 of 2020 to the file of the Family Court, Kanyakumari, forthwith. The learned Judge, Family Court, Kanyakumari, is directed to dispose of the case in I.D.O.P.No.149 of 2020 on merits and in accordance with law as expeditiously as possible.

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

// True Copy//

Sub Assistant Registrar

Kk

To

1.The Judge Family Court, Tiruvallur.

2.The Judge Family Court, Kanyakumari.

+1cc to Mr.U.Gokulakrishnan, Advocate, S.R.No.38629

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SSI (CO)
CT(02/09/2021)