



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

TR.C.M.P.NO.294 OF 2021 AND
C.M.P.NO.7402 OF 2021

K.Jayanthi

... Petitioner

Versus

S.V.Nedumaran

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the respondent's petition in O.P.No.300 of 2020 on the file of the Family Court V, Madras, and to transfer the same to the Family Court, Vellore to try along with the petitioner's petition in F.C.O.P.No.96 of 2021 on the file of the Family Court, Vellore.

For Petitioner : Mr.K.A.Ravindran

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in O.P.No.300 of 2020 on the file of the Family Court V, Madras, and transfer the same to the Family Court, Vellore to be tried along with F.C.O.P.No.96 of 2021, pending on the said file.

2. Despite notice having been served on respondent as early as on 14.06.2021, no one entered appearance on behalf of the respondent. Since sufficient opportunity has already been given to the respondent, this Court proceed further to dispose of this petition on the basis of averments made in this petition. The respondent is set ex-parte.

3. The petitioner in this petition is the wife and the respondent is the husband. The marriage between the respondent and the petitioner took place on 13.03.2020. The petitioner states that the respondent is not physically fit for marriage life. Hence she filed a petition for divorce in F.C.O.P.No.96 of 2021 before the Family Court, Vellore. The respondent husband



filed a petition for restitution of conjugal rights in O.P.No.300 of 2020 before Family Court V, Madras. Since she filed a petition for divorce before the Family Court, Vellore, it is the case of the petitioner that the petition in O.P.No.300 of 2020 filed by the husband can be transferred to the Family Court, Vellore, so that both can be tried together to avoid conflicting judgments.

4. Learned counsel appearing for the petitioner states that the petitioner is residing with her mother who is aged 73 years and that she has no one to accompany her to attend each proceeding at Chennai. He further states that the petitioner seeks transfer purely on the ground of convenience.

5. Normally, in a petition for divorce, the convenience of wife is relevant. However, in this case, the petitioner wife has filed a petition for divorce and the respondent husband has filed a petition for restitution of conjugal rights. Considering the factual circumstances of this case, this Court is inclined to transfer the petition filed by the husband from Family Court V, Madras to the Family Court, Vellore, for joint trial which will be convenient to both parties.

6. The proceedings in O.P.No.300 of 2020 pending on the file of Family Court V, Madras, are withdrawn and transferred to Family Court, Vellore, to be tried along with the petition filed by the petitioner in F.C.O.P.No.96 of 2021, pending on the said file. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court V, Madras.
2. The Judge,
Family Court, Vellore.

TR.C.M.P.NO.294 OF 2021

AK(CO)
PBS/27/08/2021