



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.309 of 2021  
and  
C.M.P.No.7529 of 2021

Abirami

.. Petitioner

Vs.

Muthukumaran

.. Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in M.O.P.No.143 of 2021 pending on the file of the Family Court at Pondicherry and transfer the same to the appropriate Sub Court at Coonoor, Nilgris.

For Petitioner : Mr.T.R.Sivaram

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 M.O.P.143 of 2021, filed by the respondent for restitution of conjugal rights, which is pending on the file of the Family Court, Pondicherry to the file of the Subordinate Court, Coonoor.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing at Coonoor along with her seven month old baby in her aged parents house and she finds it very difficult to travel nearly 800 kms from Coonoor to Pondicherry for attending the Court on every hearings in M.O.P.143 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case from the Family Court, Pondicherry to the file of the Subordinate Court, Coonoor.

3. It is seen from the records that notice has been served on the respondent through Court on 13.05.2021 and 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. 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 M.O.P.143 of 2021 from the file of the Family Court, Pondicherry and transfer it to the file of the Subordinate Court, Coonoor. The learned Judge, Family Court, Pondicherry is directed to transmit the papers pertaining to M.O.P.143 of 2021 to the file of the Subordinate Court, Coonoor, Nilgiris, forthwith. The learned Subordinate Judge, Coonoor, is directed to dispose of the case in M.O.P.143 of 2021 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-VI)

// True Copy//

Sub Assistant Registrar

kk

To

1.The Judge,  
The Family Court,  
Pondicherry.

2.The Subordinate Court,  
Coonoor.

+1cc to Mr.T.R.Sivaram, Advocate, S.R.No.38740

Tr.C.M.P.No.309 of 2021  
and C.M.P.No.7529 of 2021

SMI (CO)  
SU(27/08/2021)