



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.318 of 2021
and C.M.P.No.7662 of 2021

Sumathi

...Petitioner

Vs.

Vijayaragavan

...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.59 of 2019 pending on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Chengalpattu.

For Petitioner	:	Mr.S.Sairaman
		Mr.Vijayaragavan
For Respondent	:	Party-in-Person

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.59 of 2019, filed by the respondent for restitution of conjugal rights, which is pending on the file of the Family Court, Thanjavur to the file of the Family Court, Chengalpattu.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parents house along with her child at Urapakkam and she finds it very difficult to travel about 300 kms from Urapakkam to Thanjavur for attending the Court on every hearings in H.M.O.P.No.59 of 2019. It is further submitted that already maintenance case in M.C.No.8 of 2019 filed by the petitioner/wife is pending before the Family Court, Chengalpattu. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Family Court, Thanjavur to the file of the Family Court, Chengalpattu.

3. Mr.Vijayaraghavan, the respondent herein, strongly opposing the transfer of the case from Thanjavur to Chengalpattu, submitted that he is working in a private hospital and it is very difficult for him to take leave.



4. I have considered the rival submissions.

5. 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, this Court is inclined to withdraw the H.M.O.P.No.59 of 2019 from the file of the Family Court, Thanjavur and transfer the same to the file of the Family Court, Chengalpattu. The learned Judge, Family Court, Thanjavur is directed to transmit the papers pertaining to H.M.O.P.No.59 of 2019 to the file of the Family Court, Chengalpattu, forthwith. The learned Judge, Family Court, Chengalpattu, is directed to dispose of the case in H.M.O.P.No.59 of 2019 on merits and in accordance with law as expeditiously as possible.

6. The personal appearance of both parties before the Family Court, Chengalpattu, 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.

7. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court, Thanjavur.
2. The Judge,
The Family Court, Chengalpattu.

+1 CC to Mr.S.Sairaman, Advocate, Sr.No. 39054.

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AK-II(CO)
LS(25/08/2021)