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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.CMP.Nos.340 & 519 of 2021
and
CMP.Nos.13974 & 8014 of 2021

Poojasri ...Petitioner in Tr.CMP.No.340 of 2021

E.Bala @ Balamurugan ...Petitioner in Tr.CMP.No.519 of 2021

Vs.

Bala alias Balamurugan ..Respondent in Tr.CMP.No.340 of 2021

Pooja Sri ..Respondent in Tr.CMP.No.519 of 2021

Prayer in Tr.CMP.No.340 of 2021: Transfer civil miscellaneous petition filed under Section 24 of CPC, seeking to withdraw HMOP.No.319 of 2020 on the file of the Family Court at Cuddalore and transfer the same to the Sub-Court, Ranipet to be tried jointly along with HMOP.NO.77 of 2021.

Prayer in Tr.CMP.No.519 of 2021: Transfer civil miscellaneous petition filed under Section 24 of CPC, seeking to withdraw HMOP.No.77 of 2021 on the file of the Sub-Court, Ranipet and transfer the same to the Family Court, Cuddalore to be tried along with HMOP.No.319 of 2020.

For Petitioner : Ms.Rayees Fathima for Mr.V.M.Venkataramana
in Tr.CMP.No.340 of 2021

Ms.N.Premalatha for Mr.R.Nalliyappan in
Tr.CMP.No.519 of 2021

For Respondent : Ms.N.Premalatha for Mr.R.Nalliyappan in
Tr.CMP.No.340 of 2021

Ms.Rayees Fathima for Mr.V.M.Venkataramana
in Tr.CMP.No.519 of 2021



C O M M O N O R D E R

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In Tr.CMP.No.340 of 2021, the wife seeks transfer of HMOP.No.319 of 2020 on the file of the Family Court, Cuddalore to the Sub-Court, Ranipet to be tried along with HMOP.No.77 of 2021 filed by her.

2.In Tr.CMP.No.519 of 2021, the husband seeks transfer of HMOP.No.77 of 2021 on the file of the Sub-Court, Ranipet to the Family Court, Cuddalore to be tried along with HMOP.No.319 of 2020.

3.It is seen from the records that HMOP.No.319 of 2020 has been filed by the husband seeking divorce under Section 13 (1)(ia) of the Hindu Marriage Act. HMOP.No.77 of 2021 has been filed by the wife seeking restitution of conjugal rights. The wife is admittedly, a resident of Ranipet. She is shown to be a resident of Ranipet even in the HMOP filed by the husband in HMOP.No.319 of 2020.

4.The law is settled that the convenience of the wife should be given preference in matters of transfer of matrimonial cases. Moreover, the proceedings at Ranipet are pending before a Sub-Court, where the presence of the parties is not required for every hearing. The proceedings at Cuddalore are pending before a Family Court, where the parties are required to appear for every hearing. The wife, being a resident of Ranipet, transfer of proceedings to Cuddalore will cause much inconvenience as she has to travel to Cuddalore for every hearing for appearing before the Family Court.

5.Considering the fact that the proceedings at Ranipet are before a Sub-Court, the transfer of proceedings from Cuddalore to Ranipet will not cause much inconvenience to the husband as he is required to be present in person for every hearing before the Sub-Court. He can appear through counsel for non-essential hearings. Hence, HMOP.No.319 of 2020 pending on the file of the Family Court, Cuddalore is withdrawn and transferred to the Sub-Court, Ranipet to be tried along with HMOP.No.77 of 2021.

6.In view of the above, Tr.CMP.No.340 of 2021 is allowed



and the Tr.CMP.No.519 of 2021 is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To:-

1. The Judge,
Family Court,
Cuddalore.
2. The Sub Judge,
Ranipet.

+1cc to M/s.R.Nalliappan, Advocate, S.R.No.67197

Tr.CMP.Nos.340 & 519 of 2021
and
CMP.Nos.13974 & 8014 of 2021

BP (CO)
SU (05/01/2022)