



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.391 of 2021
and C.M.P.No.9052 of 2021

S.Girija Iyswaryah

.. Petitioner

Vs.

R.Ashok Kumar

.. 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.40 of 2021 pending on the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.D.Mario Johnson

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 H.M.O.P.No.40 of 2021, filed by the respondent for divorce, which is pending on the file of the Family Court, Villupuram to the file of the Family Court, Chennai.

2. The learned counsel appearing for the petitioner submitted that the petitioner is presently residing at Chennai and pursuing her Law degree at Chennai and now she finds it very difficult to travel from Chennai to Villupuram for attending the Court on every hearings in H.M.O.P.No.40 of 2021. It is further submitted as the petitioner has given a criminal complaint against the respondent, there is also life threat to the petitioner. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Family Court, Villupuram to the file of the Family Court, Chennai.

3. There is no appearance for the respondent. 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 circumstance of the case, this Court is inclined to withdraw the H.M.O.P.No.40 of 2021 from the file of the Family Court, Villupuram and transfer the same to the file of the Family Court, Chennai. The learned Judge, Family Court, Villupuram is directed to transmit the papers pertaining to H.M.O.P.No.40 of 2021 to the file of the Family Court, Chennai, forthwith. The learned Judge, Family Court, Chennai, is directed to dispose of the case in H.M.O.P.No.40 of 2021 on merits and in accordance with law as expeditiously as possible.

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

//True Copy//

Sub Assistant Registrar

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To

1.The Family Court, Villupuram.

2. The Family Court, Chennai.

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RLD(CO)
CT(21/09/2021)