



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.368 of 2021
and C.M.P.No.8552 of 2021

Dr.Gavya

...Petitioner

Vs.

K.Kabilan

...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.1161 of 2021 pending on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Ms.B.S.Ajeetha

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.1161 of 2021, filed by the respondent for divorce, which is pending on the file of the Family Court, Chennai to the file of the Family Court, Erode.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parents house along with her minor child at Erode and she finds it very difficult to travel 400 kilometers from Erode to Chennai for attending the Court on every hearings in H.M.O.P.No.1161 of 2021. The learned counsel further submitted that the respondent is also residing at Karur. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Family Court, Chennai to the file of the Family Court, Erode.

3. The learned counsel for the respondent/husband has submitted that the respondent has no serious objection in transferring the case to Erode, however submitted that direction may be given to the learned Judge, Family Court, Erode to complete the H.M.O.P.1161 of 2021 expeditiously.



4. This Court considered the arguments made by the learned counsel on either side.

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. Considering the facts and circumstances of the case and considering the submission made by the learned counsel on either side, H.M.O.P.No.1161 of 2021 is withdrawn from the file of the Family Court, Chennai and transferred to the file of the Family Court, Erode for disposal as per law. The learned Judge, Family Court, Chennai is directed to transmit the papers to the Family Court, Erode forthwith. The learned Judge, Family Court, Erode is directed to dispose of H.M.O.P.No.1161 of 2021 on merits and in accordance with law as expeditiously as possible.

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 Judge,
The Family Court,
Chennai.

2. The Judge,
The Family Court,
Erode.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.40939
+1cc to Mr.J.Saravanavel, Advocate, S.R.No.40683

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BR[co]
NSK 29/09/2021