

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.405 of 2021
and C.M.P.No.9652 of 2021

R.Chitra

.. Petitioner

Vs.

E.Dineshkumar

.. 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.12 of 2021 pending on the file of the Family Court, Thiruvallur and transfer the same to the file of any competent Court at Chengalpattu.

For Petitioner : Mr.G.Balasubramanian,
for M/s.Leela and Co.

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.12 of 2021, filed by the respondent for divorce, which is pending on the file of the Family Court, Thiruvallur to the file of any competent Court at Chengalpattu.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her grandmother's house at Thirukazhukundram and she finds it very difficult to travel from Thirukazhukundram to Thiruvallur for attending the Court on every hearings in H.M.O.P.No.12 of 2021. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Family Court, Thiruvallur to the file of any competent Court at Chengalpattu.

3. It is seen from the records that notice has been served on the respondent through Court on 27.07.2021 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 circumstance of the case, this Court is inclined to withdraw the H.M.O.P.No.12 of 2021 from the file of the Family Court, Thiruvallur and transfer the same to the file of the Family Court, Chengalpattu. The learned Judge, Family Judge, Thiruvallur is directed to transmit the papers pertaining to H.M.O.P.No.12 of 2021 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.12 of 2021 on merits and in accordance with law as expeditiously as possible.

5. 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.

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

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To
1.The Judge
Family Court, Thiruvallur.

2.The Judge
Family Court, Chengalpattu.

+1 CC to Mr.G.Balasubramanian, Advocate sr 40252.

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SVI (CO)
SP(17/09/2021)