



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.370 of 2021
and C.M.P. No.8595 of 2021

M.Nandini Priya ...Petitioner / Respondent

Vs

S.Gunasekaran ...Respondent / Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in HMOP No.631 of 2021 pending before the learned Family Court, Coimbatore and transfer the same to the learned Family Court, Nilgiris.

For Petitioner : M/s.A.M.Amutha Ganesh

For Respondent : No Appearance

O R D E R

This petition has been filed to withdraw the case in HMOP No.631 of 2021 pending before the learned Family Court, Coimbatore and transfer the same to the learned Family Court, Nilgiris.

2.This transfer civil miscellaneous petition is filed by wife. Though notice was served on the respondent during the 4th week of May, 2021, the respondent has not chosen to appear. Considering the fact that the respondent did not respond to the notice for more than a month, this Court is inclined to take up the matter on merits.

3.The marriage between the petitioner and the respondent was solemnized on 30.10.2020. However, within three months, the petitioner and the respondent developed quarrel and there are mutual allegations. The respondent husband filed a petition in HMOP No.631 of 2021 before the Family Court, Coimbatore seeking divorce. Taking into account that the petitioner presently resides at Ooty and that she may not be able to travel from Ooty to attend the proceedings at Family Court, Coimbatore, the petitioner has come forward with this petition for transfer.

4.It is settled that the wife's convenience in a petition for divorce filed by the husband is relevant and it is always



preferable to have the proceedings in a place nearer to the wife's residence. Since the respondent has not come forward to deny to the allegations and the averments in the petition with regard to her difficulties, this Court is of the view that interest of parties will be well served if the matter is transferred.

5. Accordingly, this transfer civil miscellaneous petition stands allowed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Family Court,
Coimbatore.

2.The Family Court,
Nilgiris.

+1cc to Mr.A.M.Amutha Ganesh, Advocate, S.R.No.29691

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VG-II (CO)
RVM(28/07/2021)