



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.412 of 2021
and C.M.P.No.9815 of 2021

Sai Parkavi

...Petitioner

Vs.

Niranjan @ Vivek

...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.25 of 2021 pending on the file of the Family Court, Nagapattinam and transfer the same to the file of the Sub Court, Ponneri.

For Petitioner : Mr.S.Vigneswaran

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.25 of 2021, filed by the respondent for restitution of conjugal rights, which is pending on the file of the Family Court, Nagapattinam to the file of the Sub Court, Ponneri.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parent's house at Ponneri along with her one year old child and she finds it very difficult to travel 350 kms from Ponneri to Nagapattinam for attending the Court on every hearings in H.M.O.P.No.25 of 2021. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Family Court, Nagapattinam to the file of the Sub Court, Ponneri.

3. It is seen from the records that notice has been served on the respondent through Court on 02.08.2021 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.25 of 2021 from the file of the Family Court, Nagapattinam and transfer the same to the file of the Sub Court, Ponneri. The learned Judge, Family Court, Nagapattinam is directed to transmit the papers pertaining to H.M.O.P.No.25 of 2021 to the file of the Sub Court, Ponneri, forthwith. The learned Subordinate Judge, Ponneri, is directed to dispose of the case in H.M.O.P.No.25 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Family Court,
Nagapattinam.
2. The Sub Judge,
Ponneri.

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NSK 27/09/2021