



WEB COPY

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.404 of 2021
and
C.M.P.No.9470 of 2021

Anitha .. Petitioner
Vs.

R.Prabakaran .. 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.2 of 2021 pending on the file of the Sub Court, Thoothukudi and transfer the same to the file of the VI Additional Family Court, Chennai.

For Petitioner : Mr.S.Saranraj

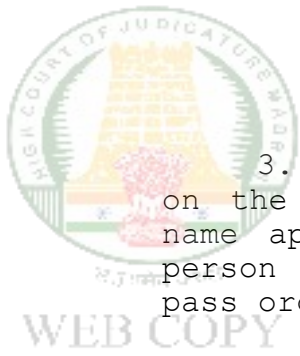
For Respondent : No appearance

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.2 of 2021, filed by the respondent for restitution of conjugal rights, which is pending on the file of the Sub Court, Thoothukudi to the file of the VI Additional Family Court, Chennai.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing in her parents house along with her two years old child at Kodungaiyur and she finds it very difficult to travel from Chennai to Thoothukudi for attending the Court on every hearings in H.M.O.P.No.2 of 2021. It is further submitted that already maintenance case in M.C.No.179 of 2021 filed by the petitioner/wife is pending before the VI Additional Family Court, Chennai. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Subordinate Court, Thoothukudi to the file of the VI Additional Family Court, Chennai.



3. It is seen from the records that notice has been served on the respondent through Court on 08.07.2021 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.2 of 2021 from the file of the Subordinate Court, Thoothukudi and transfer the same to the file of the VI Additional Family Court, Chennai. The learned Subordinate Judge, Thoothukudi is directed to transmit the papers pertaining to H.M.O.P.No.2 of 2021 to the file of the VI Additional Family Court, Chennai, forthwith. The learned Judge, VI Additional Family Court, Chennai, is directed to dispose of the case in H.M.O.P.No.2 of 2021 on merits and in accordance with law as expeditiously as possible.

5. The personal appearance of both parties before the VI Additional 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(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge, Thoothukudi.

2. The VI Additional Family Court, Chennai.

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SSI(CO)
SU(21/09/2021)