



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.592 of 2021

and

CMP No.15019 of 2021

Meena

... Petitioner

Vs

Saravanan @ Ayyanar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw the HMOP.No.188 of 2021 on the file of the Sub Court, Kancheepuram and to Transfer the any other Family Court at Chennai.

For Petitioner : Mr.S.Baskar

For Respondent : No Appearance

O R D E R

The wife seeks transfer of HMOP No.188 of 2021 pending on the file of Sub Court, Kancheepuram, which is a petition filed by the husband seeking divorce on the ground of cruelty and seeks to transfer the same to the Family Court, Chennai.

2.The transfer is sought for only on the ground of convenience, since the wife is resident of Thirumangalam, Chennai. The husband, though served with notice, is not appearing either in person or through counsel upon duly instructed.

3.Considering the distance between Thirumangalam and Kancheepuram and the fact that the proceedings are pending before the Sub Court, the request for transfer appears to be with an object of harassing the husband by making him appear for every hearing at the Family Court at Chennai. The convenience of the wife does not mean inconvenience of the husband. The Court has also to bear in mind the convenience of the other spouse, when considering matters of transfer. It is seen from the records that the husband is a resident of Sriperumbudur Taluk in Kancheepuram District.



4. Considering the convenience of the husband and the requirement that the husband has to appear in person for every hearing, if the matter is transferred before the Family Court. I do not think the transfer as prayed for could be granted. However, taking into account, the convenience of the wife, I am of the opinion that the matter could be transferred to a Sub Court at a neutral venue, so that the parties need not appear in person for every hearing. The inconvenience caused to both the parties would be largely reduced, if the case is heard by the Sub Court. In view of the above, HMOP.No.188 of 2021 is withdrawn from the file of Sub Court, Kancheepuram and transferred to the file of Sub Court, Poonamallee to be disposed of in accordance with law. The Transfer Civil Miscellaneous Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Sub Judge,
Kancheepuram.

2.The Sub Judge,
Poonamallee.

+1cc to Mr.S.Baskar, Advocate SR.No.66451

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JPL(CO)
GN(04/01/2022)