



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P (MD)No.70 of 2020

and

C.M.P (MD) No.1261 of 2020

WEB COPY

Vijayalakshmi

... Petitioner/Respondent

-Vs-

Sundara Sankara Narayanan

... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.188 of 2014, on the file of the III Additional Family Court, Chennai and to transfer the same to the Subordinate Court, Sankarankovil.

For Petitioner : Mr.S.Chellapandian

For Respondent : No appearance

O R D E R

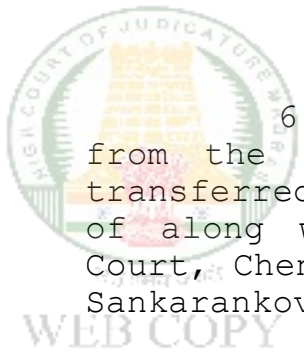
The wife seeks transfer of H.M.OP.No.188 of 2014 pending on the file of the III Additional Family Court, Chennai to the file of the Subordinate Court, Sankarankovil.

2.Despite repeated adjournments, the learned counsel for the respondent is not appearing.

3.It is seen from the original proceedings that the wife is a resident of Puliangudi, Tirunelveli District. Apart from the above, H.M.O.P.No.2 of 2020 filed by the wife, seeking Restitution of Conjugal Rights is pending before the Sub Court, Sankarankovil.

4.Transfer is sought for solely on the ground of convenience of the wife. If the proceedings are conducted in two different Courts, there is possibility of conflicting judgments. This Court as well as the Honourable Supreme Court have repeatedly pointed out that the convenience of the wife should be looked into in the matrimonial matters.

5.Considering the distance between Chennai and Sankarankovil and the fact that the Original petition is pending at Chennai is before the Family Court, where, the parties are required to appear for every hearing in person, I am of the opinion that if the proceedings are transferred to the Family Court, considerable hardship would be caused to the petitioner/wife. If the matter is transferred to the Sub Court, Sankarankovil, the husband need not appear for every hearing.



6.In view of the above, H.M.O.P.No.188 of 2014 is withdrawn from the file of the III Additional Family Court, Chennai and transferred to the Sub Court, Sankarankovil to be tried and disposed of along with H.M.O.P.No.2 of 2020. The III Additional Family Court, Chennai is directed to transmit the papers to the Sub Court, Sankarankovil forthwith.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Judge

The III Additional Family Court, Chennai

2.The Sub Judge, Sankarankovil.

3.The Record Keeper, V.R.Section, (2C)

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-12040[F] dated 18/03/2021)

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SRK (CO)

KB (27.04.2021) 2P 6C