



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2021**

CORAM

THE HON'BLE MR.JUSTICE **R.SUBRAMANIAN**

Tr.C.M.P(MD)No.71 of 2021

and

C.M.P(MD) Nos.1277 & 1282 of 2021

S.Anandram ... Petitioner/Respondent
-Vs-

J.Samaya Parvathi ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw O.P No.1734 of 2020, from the file of the 2nd Additional Family Court, Chennai and transfer the same to the file of Family Court, Trichy.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.P.Pethu Rajesh

ORDER

The husband seeks transfer of O.P.No.1734 of 2020 on the file of the 2nd Additional Family Court, Chennai to the Family Court, Trichy.

2.The ground for transfer is that the husband is a resident of Trichy and the wife, who was living with him had gone to Chennai and filed the case at Chennai.

3.As per the proceedings before the Family Court, it is seen that the wife is the resident of Chennai. This Court and the Hon'ble Supreme Court have repeatedly held that it is the convenience of the wife, that should be predominant in the mind of the Court, when such request for transfer is considered. However, the convenience and the inconvenience of the other spouse should also be taken into account.

4.Considering the fact that the husband is the resident of Trichy and he has attended every hearing before the Family Court at Chennai, I am of the opinion that the proceedings could be transferred to nearby Sub Court, which will be convenient to both the parties. As serious allegations and counter allegations have been



made against each other, I am of the opinion that it will be the interest of the parties that they do not meet each other frequently.

5.Both the learned counsels would submit that the proceedings in M.C.No.185 of 2020 is also pending on the file of the 2nd Additional Family Court, Chennai and the same may be transferred to the same Subordinate Court, so that both the proceedings could be tried together.

6.Considering the request of the learned counsels on both side, O.P No.1734 of 2020 is withdrawn from the file of the 2nd Additional Family Court, Chennai and transferred to the file of the Sub Court, Tambaram to be disposed of in accordance with law. M.C.No.185 of 2020 is withdrawn from the file of the 2nd Additional Family Court, Chennai and transferred to the file of Judicial Magistrate No.1, Tambaram. The learned Subordinate Judge and the learned Judicial Magistrate No.1, Tambaram, are directed to dispose of both the cases within a period of 8 months from the date of receipt of the papers from the transferrer Court.

7.Accordingly, this Transfer Civil Miscellaneous Petition is allowed. However, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS)

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To

- 1.The II Additional Family Court Judge, Chennai.
- 2.The Subordinate Judge, Tambaram.
- 3.The Judicial Magistrate, Court No.1, Tambaram.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-12589[F] dated 19/03/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-12861[F] dated 22/03/2021)

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SSS(CO)

TR(20.04.2021) 2P 6C