



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.01.2021
CORAM
THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

TR.C.M.P. (MD)No.117 of 2020
and
C.M.P. (MD)No.2282 of 2020

Chitra : Petitioner
Vs.
Sakthikannan : Respondent

PRAYER:- The petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.60 of 2019 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chennai for disposal of the same on merits in accordance with law.

For Petitioner : Mr.V.Vishnu
For Respondent : Mr.K.Gurunathan

ORDER

The wife seeks transfer of H.M.O.P.No.60 of 2019 on the file of the Family Court at Madurai, to the Family Court at Chennai.

2.The transfer is sought for solely on the ground of convenience of the wife. H.M.O.P.No.60 of 2019 has been filed by the husband seeking divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. The husband is a resident of Madurai and the wife is a resident of Chennai.

3.The learned Counsel for the respondent/husband would submit that the transfer of the case to the Family Court at Chennai, would cause much inconvenience to the respondent, as he would be required to travel to Chennai for every hearing, as the proceedings before the Family Court requires presence of the parties. No doubt, the convenience of the wife is a ground for transfer. The Court has to look into the convenience of the other party, namely, the husband also in deciding the request for transfer.

4.Considering the difficulty that would be experienced by the husband, if the H.M.O.P. is transferred to Chennai, I opine that the transfer to a Subordinate Court, where the parties presence is not required for every hearing, would be just and convenient for both parties.

5.In view of the above, H.M.O.P.No.60 of 2019 pending on the file of the Family Court, Madurai, is withdrawn and transferred to Principal Subordinate Court, at Chengalpattu, for disposal in accordance with law. Accordingly, this petition is disposed of. No



costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court, Madurai.

2.The Judge, Family Court, Chennai.

3.The Principal Subordinate Judge, Chengalpattu.

+1 CC to M/s.K.GURUNATHAN, Advocate (SR-1215[F] dated 19/01/2021)

TR.C.M.P. (MD)No.117 of 2020
19.01.2021

SVN(CO)

KB(29.01.2021) 2P 5C