



C.R.P.No.140 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.C.M.P.No.140 of 2022

and

C.M.P.No.2824 of 2022

V.Saranya @ Usha Nandhini

... Petitioner

Versus

M.Karthick @ Logeh

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to Withdraw the H.M.O.P.No.867 of 2018 in O.P.No.484 of 2019 pending in the Court of Sub Court at Tambaram and transfer the same to the Court of the 4th Additional Family Judge, Chennai.

For Petitioner : M/s.D.Kalaiselvi

For Respondent : Mr.T.Thiagarajan



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ORDER

WEB COPY The petitioner/wife has come out with this transfer petition seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.867 of 2018 and petition for restitution of conjugal rights filed by the petitioner in O.P.No.484 of 2019 and both are pending on the file of the Sub Court at Tambaram.

2. The above transfer petition is filed by the petitioner on the ground that the petitioner/wife filed domestic violence case against the respondent in D.V.C.No.16 of 2021 and it is pending on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai. She also filed a petition for maintenance in M.C.No.238 of 2021 and it is pending on the file of the learned IV Additional Judge, Family Court, Chennai. It is also submitted by both the counsel that the complaint preferred by the wife under Domestic Violence Act and her maintenance application were transferred to learned Judicial Magistrate No.I, Alandur on the transfer application filed by the respondent in CrI.O.P.No.21170 and 22613 of 2021.



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3. Taking into consideration that the case in Domestic Violence and also maintenance application filed by the petitioner were already transferred to learned Judicial Magistrate No.I, Alandur. These two petitions can also be transferred to the Court at Alandur by taking into consideration the convenience of the wife. It is a settled law, in a case of matrimonial dispute, the convenience of the wife has to be given preference. Already two cases are pending before the learned Judicial Magistrate No.1, Alandur and therefore, in the interest of Justice, petition for divorce filed by the respondent/husband in H.M.O.P.No.867 of 2018 and petition for restitution of conjugal rights filed by the petitioner in O.P.No.484 of 2019 pending before the Sub Court at Tambaram can also be transferred to the Sub Court, Alandur.

4. In view of the above discussions, H.M.O.P.No.867 of 2018 and O.P.No.484 of 2019 are hereby withdrawn and transferred to the file of the Sub Court, Alandur. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes/No

Speaking Order : Yes /No

Sma



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S.SOUNTHAR,J.

Sma

To:

1. The learned Sub Court, Alandur,
2. The learned Sub Court, Tambaram,
3. The learned Judicial Magistrate No.I, Alandur.

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