



Tr.C.M.P.No.338 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

TR.C.M.P.No.338 of 2022

and

C.M.P.No.6671 of 2022

Madhuri

... Petitioner

Vs.

R.Pradeep Manikandan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.33 of 2022 on the file of the Principal Family Court, Coimbatore and transfer to Subordinate Court, Palani.

For Petitioner : M/s.S.Pooja Shree
for M/s.Parthasarathy

For Respondent : M/s.B.Nedunchezhiyan

ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.33 of 2022 on the file of the Principal Family Court, Coimbatore to the Subordinate Court, Palani.



Tr.C.M.P.No.338 of 2022

2. According to the petitioner/wife, she is now residing at Palani under the care of her maternal uncle. It is also stated that she has already instituted a complaint under the Domestic Violence Act in D.V.A.No. 22 of 2021 on the file of the Judicial Magistrate, Palani.

3. The learned counsel for the respondent vehemently opposed the transfer petition on the ground that the petitioner is not residing at Palani and the present petition is filed only to harass the respondent.

4. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

5. In the case on hand petitioner/wife is residing at Palani along with her maternal uncle and she has instituted a complaint against the respondent in Domestic Violence Act in D.V.A.No.22 of 2021, on the file of the Judicial Magistrate, Palani. It is admitted fact that the respondent herein is working at Coimbatore and necessarily he has to travel to Palani to defend the case filed under the Domestic Violence Act. In such circumstances, by taking into consideration the convenience of the wife and also interest of justice, this Court is inclined to transfer the above petition as indicated below.



Tr.C.M.P.No.338 of 2022

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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed by the petitioner/wife in H.M.O.P.No.33 of 2022 on the file of the Principal Family Court, Coimbatore is withdrawn and transferred to the Sub Court, Palani. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

24.11.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

1. The Principal Family Court,
Coimbatore

2. The Sub Court,
Palani.



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Tr.C.M.P.No.338 of 2022

S.SOUNTHAR, J.

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TR.CMP.No.338 of 2022

24.11.2022