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Tr.C.M.P.No.395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.395 of 2022
and C.M.P.No.7551 of 2022

M.Manimegalai

...Petitioner

Vs

M.Velmurugan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the petition in H.M.O.P No.39 of 2022 before District Family Court at Perambalur to Chennai Family Court.

For Petitioner : Mr.M.Jayakumar

For Respondent : Ms.S.Rithila for M/s.M.Vijayaragavan



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ORDER

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The petitioner / wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of petition for divorce filed by respondent / husband in H.M.O.P.No.39 of 2022, on the file of Family Court, Perambalur to the file of Family Court, Chennai.

2. The petitioner is living at Chennai along with her parents and she has no independent source of income. Being a lady who finds very difficult to undertake long travel to attend each and every hearings before the Family Court at Perambalur.

3. It is settled law in the matrimonial case, the convenience of the wife shall be given preference. In the case on hand, the petitioner is residing along with her parents. It is also stated that she is not having any independent source of income and she is struggling to meet the day-to-day expenses with the meagre income derived by her parents.

4. In these circumstances, this Court is inclined to transfer the case pending on the file of Family Court, Perambalur to Family Court, Chennai.



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5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the H.M.O.P.No.39 of 2022, pending on the file of Family Court, Perambalur and transferring the same to the Family Court, Chennai. No costs. Consequently, the connected miscellaneous petition is closed.

6. The learned counsel for the respondent made a request to dispense with the personal appearance of the respondent / husband before the Family Court, Chennai. It is always open to him to file an application to dispense with personal appearance before the Family Court, Chennai. If only such application is filed, the Family Court, Chennai shall consider the same sympathetically.

19.09.2022

rna

Index: Yes/ No

Speaking Order / Non-Speaking Order

To

1.The District Family Court,
Perambalur.

2.The Family Court,
Chennai.



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S.SOUNTHAR, J.

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