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Tr.CMP.No.572 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.572 of 2022

and

C.M.P. No.10052 of 2022

R.Gayathiri

... Petitioner

Vs.

B.Karthigayan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the HMOP No.56 of 2022 pending on the file of the Family Court, Pondicherry and transfer the same to the Family Court, Cuddalore.

For Petitioner : Mr.G.Chandrasekar

For Respondent : No Appearance



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ORDER

This petition has been filed to withdraw the HMOP No.56 of 2022 pending on the file of the Family Court, Pondicherry and transfer the same to the Family Court, Cuddalore.

2. The petitioner/wife is seeking transfer of the petition for divorce filed by the respondent/husband in HMOP.No.56 of 2022 pending on the file of the Family Court, Pondicherry to the file of the Family Court, Cuddalore. According to the petitioner, she is residing at Chidambaram, Cuddalore District. The distance between Cuddalore and Pondicherry is 40 kilometers. It is also submitted that the petitioner filed a petition for divorce in HMOP.No.85 of 2022 before the Family Court, Cuddalore, and also filed a petition under Domestic Violence Act in DV.No.2 of 2022, which is pending before the Additional Mahila Court, Cuddalore. The petitioner seeks transfer of husband's petition for divorce for joint trial along with her petition for divorce. If the divorce



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petition filed by the petitioner and divorce petition filed by the respondent are allowed to go on separately in two different Courts, there is a likelihood of having a conflict of two judicial verdicts by Courts of competent jurisdiction. Therefore, in the interest of justice both the petitions have to be tried together. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference.

3. Therefore, the transfer petition filed by the petitioner is allowed and the petition for dissolution of marriage filed by the husband in HMOP.No.56 of 2022 on the file of the Family Court, Pondicherry, is withdrawn and transferred to the Family Court, Cuddalore, for joint trial along with HMOP.No.85 of 2022. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No



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Internet : Yes / No
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S.SOUNTHAR, J.
dna

To

- 1.The Family Court, Pondicherry.
- 2.The Family Court, Cuddalore.

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