



TR.CMP.No.485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.485 of 2022

and

C.M.P.No.8835 of 2022

Umamaheshwari

... Petitioner

VS

M.Balaji

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code, praying to withdraw and transfer the H.M.O.P.No.100 of 2022, pending on the file of the Family Court, Karur to Family Court, Chennai.

For Petitioner : M/s.H.Bharghavi

For Respondent : M/s.V.Udaya Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of petition for divorce filed by



TR.CMP.No.485 of 2022

respondent/husband in H.M.O.P.No.485 of 2022, from the Family Court,

WEB CEN Karur to the Family Court, Chennai.

2. Though respondent was served and the counsel entered appearance, there is no representation for the respondent.

3. According to the petitioner, she is residing at Chennai along with her parents and she is also having two children. It was further submitted that the petitioner filed a petition for restitution of conjugal rights before the Family Court, Chennai in H.M.O.P.No.2008 of 2021.

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, the petitioner is residing at Chennai along with her parents and also having two children. Therefore, she finds it very difficult to undertake long travel to Karur to attend the Court hearings. If these two petitions filed by the parties are allowed to go before two different Courts,



TR.CMP.No.485 of 2022

there will be likelihood of conflict of judicial verdicts. By taking into consideration the facts and circumstances of the case and also the convenience of the petitioner/wife, this Court is inclined to order the transfer petition.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.100 of 2022, pending on the file of the Family Court, Karur is withdrawn and transferred to the Family Court, Chennai for joint trial along with H.M.O.P.No.2008 of 2021. Consequently, connected miscellaneous petition is closed. No costs.

23.09.2022

Index : Yes / No
Speaking Order : Yes / No
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To

1. The Family Court,
Karur.
2. The Family Court,
Chennai.



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TR.CMP.No.485 of 2022

S.SOUNTHAR, J.

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