



Tr.CMP.No.516 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.516 of 2022

and

C.M.P. No.9383 of 2022

R.Lavanya

... Petitioner

Vs.

C.Prannay

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the HMOP No.383 of 2022 on the file of the Sub Court, Poonamallee and transfer the same to the file of the Vth Additional Family Court, Chennai.

For Petitioner : Mr.Y,George William

For Respondent : M/s.V.R.Appaswamee



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ORDER

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The petitioner/wife is seeking transfer of divorce petition filed by the respondent/husband in HMOP.No.383 of 2022 on the file of the Sub-Court, Poonamallee, to the file of the V Additional Family Court, Chennai.

2. According to the petitioner/wife, she is residing at Kolathur, within the territorial jurisdiction of the V Additional Family Court, Chennai. Therefore, it is stated that it would not be convenient for the petitioner to undertake a travel to Poonamallee to attend the hearing before the Sub-Court, Poonamallee. She has filed a petition for restitution of conjugal rights in HMOP.No.2223 of 2022 on the file of the V Additional Family Court, Chennai.

3. The learned counsel for the respondent submitted that he has no objection for allowing this Transfer Civil Miscellaneous Petition.

4. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand,



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the petitioner is residing at Chennai and she has difficulty in undertaking travel to Poonamallee. Further, if the divorce petition filed by the respondent and restitution of conjugal rights petition filed by the petitioner are allowed to go on separately in two different Courts, there is a likelihood to have a conflict of two judicial verdicts by Courts of competent jurisdiction.

5. Therefore, in the interests of justice and also by taking into consideration the convenience of the wife, the transfer petition is allowed by withdrawing HMOP.No.383 of 2022 pending on the file of the Sub-Court, Poonamallee and transferring the same to the file of V Additional Family Court, Chennai for joint trial along with HMOP.No.2223 of 2022. No Costs. Consequently, connected Miscellaneous Petition is closed.

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

To

- 1.The Sub Court, Poonamallee.
- 2.The Vth Additional Family Court, Chennai.

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