



TR.CMP.No.548 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.548 of 2022

and

C.M.P.No.9632 of 2022

Gomathi

... Petitioner

vs

G.Balasubramani

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code, praying to withdraw the case of H.M.O.P.No.08 of 2022 pending on the file of Hon'ble Sub Court at Cheyyar, Tiruvannamalai District and transfer the same to the Family Court at Chennai.

For Petitioner : M/s.K.Suthan

For Respondent : M/s.K.G.Senthil Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of petition filed by respondent/husband in



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H.M.O.P.No.08 of 2022 from the file of the Sub Court, Cheyyar to the Family Court, Chennai.

2. According to the petitioner, she is residing at Chennai and she is having one year old child and hence as a lady, she finds it very difficult to undertake long travel to Cheyyar to attend the Court hearings.

3. The learned counsel for the respondent opposed the transfer application on the ground this Transfer Civil Miscellaneous Petition has been filed only to harass the respondent/husband and hence he requested this Court to dismiss the transfer application.

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 Cheyyar and she is having one year old child. Therefore, it is not possible for her to undertake long travel to Chennai and attend the Court hearings. By taking into



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consideration of 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The petition filed in H.M.O.P.No.08 of 2022, pending on the file of the Sub Court, Cheyyar is withdrawn and transferred to the Family Court, Chennai. Consequently, connected miscellaneous petition is closed. No costs.

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

1. The Family Court,
Cheyyar, Thiruvannamalai District.
2. The Family Court,
Chennai.



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S.SOUNTHAR, J.

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