



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.552 of 2022

and

C.M.P.No.9668 of 2022

V.S.Dheepikaa

... Petitioner

Vs.

S.Sivakumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.109 of 2022 pending on the file of Family Court, Coimbatore and transfer the same to the file of Family Court, Puducherry.

For Petitioner : Mr.V.Vasanthakumar

For Respondent : No Appearance

ORDER

The petitioner/wife seeks transfer of petition for dissolution of marriage filed by the respondent/husband in H.M.O.P.No.109 of 2022 pending on the file of the Family Court, Coimbatore to the file of the Family Court, Puducherry.

2. Though notice was served on the respondent and his name appeared in the



cause-list, there is no representation for the respondent.

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3. The learned counsel for the petitioner submitted that the petitioner is residing at Puducherry. The respondent/husband has filed a petition for dissolution of marriage in H.M.O.P.No.109 of 2022 before the Family Court, Coimbatore, just to harass the petitioner. As a lady, she finds it very difficult to travel to Coimbatore for attending each and every court proceedings, which is 400 kms away from Puducherry. He also submitted that due to indigent circumstances, she is unable to meet the travel expenses to travel to Coimbatore.

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/wife is residing at Puducherry, which is 400 kms away from Coimbatore. As a lady, it will be very difficult for her to undertake such a long travel, without a companion. Therefore, this Court is inclined to order the transfer petition as prayed for.



6. Accordingly, the transfer Civil Miscellaneous Petition is allowed, HMOP.No.109 of 202 pending on the file of the Family Court, Coimbatore is withdrawn and transferred to the file of the Family Court, Puducherry. No costs. Consequently, the connected civil miscellaneous petition is closed.

12.09.2022

Index : Yes/No
Speaking Order : Yes/No
dm

Note: Issue order copy on 15.09.2022.

To

1.The Family Court,
Coimbatore.

2.The Family Court,
Puducherry.



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S.SOUNTHAR, J.
dm

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Tr.C.M.P.No.552 of 2022
and
C.M.P.No.9668 of 2022

S.SOUNTHAR,J.

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner brought to the notice of this Court that in the order dated 12.09.2022, the H.M.O.P number in para(6) has been wrongly mentioned as H.M.O.P.No.109 of 202 instead of H.M.O.P.No.109 of 2022. Hence, he seeks for necessary modification.

3. Considering the submission made by the learned counsel appearing for the petitioner, para(6) in the order copy shall be replaced as follows:

*Accordingly, the transfer Civil Miscellaneous Petition is allowed, **H.M.O.P.No.109 of 2022** pending on the file of the Family Court, Coimbatore is withdrawn and transferred to the file of the Family Court, Puducherry. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.*



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S.SOUNTHAR,J.

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4. Registry is directed to issue correct order copy by substituting correct H.M.O.P number in the order dated 12.09.2022.

22.09.2022

Note : Issue Order Copy on 23.09.2022

Tr.C.M.P.No.552 of 2022
and
C.M.P.No.9668 of 2022