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Tr.C.M.P.No.579 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.579 of 2022

and

C.M.P.No.10144 of 2022

Jyasree

... Petitioner

Vs.

Santhosh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw and transfer the hearing of the H.M.O.P.No.1396 of 2022 before the Family Court-1, Chennai, to Sub Court in Kallakurichi.

For Petitioner : Mr.V.Gunasekar

For Respondent : Mr.C.P.Sasikumar

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.1396 of 2022 from the file of the Family Court-1, Chennai to the file of the Sub Court, Kallakurichi.

2. Heard the arguments of the learned counsel for the petitioner and the



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learned counsel for the respondent.

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3. According to the petitioner, she is native of Kallakurichi and at present she is working at Coimbatore and the distance between the Chennai and Coimbatore is more than 500 kms and she has no male companion. It was specifically averred that the father of the petitioner is heart patient, he is not in a position to accompany her to travel such a long distance of 500 kms to attend each and every court hearings at Chennai. Therefore, she filed this transfer petition with the aforesaid prayer.

4. The learned counsel for the respondent submitted that he has no objection for transfer and he submitted that in view of admission made in the affidavit filed in support of the transfer petition that the petitioner is now working at Coimbatore, the matter may be transferred to Coimbatore instead of Kallakurichi.

5. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

6. In the case on hand, admittedly the petitioner/wife is working at



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Coimbatore and she has no male companion to accompany her to undertake travel such a long distance of 500 kms to attend each and every court hearings at Chennai.

7. In view of the difficulty expressed by the petitioner to undertake long travel to Chennai and by taking into consideration she is now working at Coimbatore, this Court is inclined to order the above transfer petition by transferring the petition from the file of the Family Court-1, Chennai to the file of Family Court, Coimbatore.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1396 of 2022 pending on the file of the Family Court-1, Chennai is withdrawn and transferred to the file of the Family Court, Coimbatore. No costs. Consequently, connected civil miscellaneous petition is closed.

14.10.2022

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



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S.SOUNTHAR, J.

dm

To

- 1.The Family Court-1,
Chennai.
- 2.The Sub Court,
Kallakurichi.
- 3.The Family Court,
Coimbatore.

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