



Tr.C.M.P.No.613 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTAR

TR.C.M.P.No.613 of 2022

and

C.M.P.No.10495 of 2022

S.Saranya

... Petitioner

Vs.

J.Karthikeyan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.885 of 2019 on the file of the Sub-Ordinate Judge, Tambaram and transfer the same to the Sub-Ordinate Judge at Neyveli.

For Petitioner : M/s.S.Mohan Raj

For Respondent : No Appearance

ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.885 of 2019 from the file of the Sub Court, Tambaram to the Sub Court, Neyveli.



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2. According to the petitioner/wife, she is residing at Kurinjipadi and she is having a child aged about 3 ½ years. She expressed her difficulty in undertaking long travel to Tambaram to attend the Court hearings.

3. Though notice was served on the respondent and the name of his counsel appears in the cause list, there is no representation for the respondent. When the matter came up for hearing on 15.11.2022, there was no representation for the respondent. Therefore the matter got adjourned to 17.11.2022. Even today (17.11.2022), there is no representation for the respondent.

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 Kurinjipadi, within the territorial limits of the Sub Court, Neyveli. It is also stated that petitioner is having a child aged about 3 ½ years, hence it may not be possible for her to undertake a long travel to Tambaram to attend the Court hearings. By taking into consideration the convenience of the petitioner/wife, this Court is inclined to order the above transfer petition.



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6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.885 of 2019 on the file of the Sub Court, Tambaram is withdrawn and transferred to the Sub Court, Neyveli. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.11.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

1. The Sub Court,
Tambaram.

2. The Sub Court,
Neyveli.



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S.SOUNTHAR, J.

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