



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP. No.644 of 2022

and

CMP.No.11004 of 2022

Siva Priya

... Petitioner

Vs.

Ashok Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.400 of 2021 pending on the file of the Family Court, Puducherry and transfer the same to the Family Court, Cuddalore.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.R.Sreedhar

ORDER

The petitioner / wife has filed this transfer petition seeking transfer of HMOP.No.400 of 2021 seeking divorce filed by the respondent/husband pending on the file of the Family Court, Puducherry, to the Family Court, Cuddalore.



2. According to the petitioner, she is residing at Nellikuppam, Cuddalore District. She has also filed a domestic violence complaint in DVC.No.4 of 2022 against the respondent/husband and the same is pending before the Additional Mahila Court, Cuddalore. It is also stated that the petitioner/wife had already filed a petition seeking restitution of conjugal rights and the same is yet to be numbered.

3. It is settled law that in cases involving matrimonial disputes, preference shall be given to the convenience of wife.

4. In the case on hand, the petitioner is residing at at Nellikuppam, Cuddalore District, within the territorial limits of the Family Court, Cuddalore. She has already filed a petition in DVC.No.4 of 2022 and the same is pending before the Additional Mahila Court, Cuddalore. Therefore, anyway the respondent/husband has to travel to Cuddalore to defend his case in DVC.No.4 of 2022. By taking into consideration the convenience of wife and also pendency of other cases involving matrimonial disputes at Cuddalore, this court is inclined to allow this petition.



5. In the result, this Transfer Civil Miscellaneous Petition is allowed.

The HMOP.No.400 of 2021 filed by the respondent/husband pending on the file of Family Court, Puducherry, is withdrawn and transferred to the Family Court, Cuddalore. Consequently, connected miscellaneous petition is closed. No costs.

27.10.2022

Index : Yes/No

Internet : Yes/No

gv

To

1. The Family Court, Puducherry
2. The Family Court, Cuddalore.



WEB COPY



S.SOUNTHAR.,J.

Gv

TR.CMP. No.644 of 2022
and
CMP.No.11004 of 2022

27.10.2022