



WEB COPY



Tr.C.M.P.No.636 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.636 of 2022
and C.M.P.No. 10883 of 2022

E.Subhasini

...Petitioner

Vs

P.Murugan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw Hindu Marriage Original Petition No.2307 of 2022, on the file of the II Additional Family Court, Chennai and transfer the same to the file of Family Court, Tiruvannamalai.

For Petitioner : Mr.M.Mariappan

For Respondent : Mr.R.Perumal Raj

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of HMOP.No.2307 of 2022 pending on the file of II Additional Family Court, Chennai to the file of Family Court, Tiruvannamalai.



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

3. According to the petitioner, she is residing at Tiruvannamalai along with her parents and she is having a minor child aged about two years and that she finds it very difficult to undertake frequent travel to attend the Court hearing.

4. The learned counsel for the respondent filed a counter affidavit and also typed set of papers and submitted that the respondent is suffering from disc prolapse of L4-L5 from the year 2012 and he shall not undertake long travel.

5. It is settled law that in cases involving matrimonial disputes, the convenience of the wife shall be given preference. In the case on hand, the petitioner/wife is residing at Tiruvannamalai and she is also having a minor child aged about two years. Therefore, it will be very difficult for her to undertake travel to attend the Court hearings at Tiruvannamalai.



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6. In this case, the respondent/husband also expressed difficulty for under taking long travel due to his health issues and seeks transfer of the matter to the Subordinate Court, Tiruvannamalai, instead of Family Court, Tiruvannamalai, so that the respondent can engage a counsel and conduct the case.

7. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.2307 of 2021, pending on the file of the II Additional Family Court, Chennai and transferring the same to the Subordinate Court, Tiruvannamalai. Consequently, connected miscellaneous petition is closed. No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order

S.SOUNTHAR, J.



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To

1. The II Additional Family Court, Chennai
2. The Family Court Tiruvannamalai.

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