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Tr.C.M.P.No.662 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.662 of 2022
and C.M.P.No. 11307 of 2022

K.Anie laine @ Riya Shajitha

...Petitioner

Vs

K.Buhari Nawab Basha

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the suit filed in O.S.No.8 of 2022, pending on the file of District Family Court, Thoothukudi, to the file of Additional Principal District Family Court, Chennai – 104.

For Petitioner : Mr.J.Jayavenkatraman

For Respondent : No Appearance

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of petition for divorce filed by the respondent/husband from the file of District Family Court, Thoothukudi, to the file of Additional Principal District Family Court, Chennai – 104.



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2. Though the respondent is served and his name appears in the cause list, there is no representation for the respondent.

3. According to the petitioner, she is living at Velachery, Chennai and she expressed her difficulty while undertaking long travel to Thoothukudi, which is nearly 500 kms away from Chennai.

4. It is settled law that in matrimonial proceedings, the convenience of the wife should be given preference.

5. In the case on hand, wife is residing at Velachery, within territorial limits of Family Court, Chennai and it is stated that she is economically very weak and finds it very difficult to meet the day-to-day expenses. Taking into consideration the facts and circumstances of the case and the convenience of the petitioner/wife, O.S.No.8 of 2022, pending on the file of the District Family Court, Thoothukudi, is withdrawn and transferred to the file of Additional Principal District Family Court, Chennai – 104.



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6. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the O.S.No.8 of 2022, pending on the file of District Family Court, Thoothukudi and transferring the same to the Additional Principal District Family Court, Chennai – 104. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

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Index: Yes/ No

Speaking Order / Non-Speaking Order

To

1. The District Family Court, Thoothukudi.
2. The Additional Principal District Family Court,
Chennai – 104.

S.SOUNTHAR, J.



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