



Tr.C.M.P.No.658 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.658 of 2022

and

C.M.P.No.11265 of 2022

N.Arul Jothi

... Petitioner

vs.

T.Narendran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw the petition in O.P.No.2072 of 2016 pending on the file of the learned Principal Family Court Judge at Chennai and transfer the same to the file of the Principal Family Court at Vellore.

For Petitioner : Mr.Adithya Varadarajan

For Respondent : Mr.S.Umapathy

ORDER



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The petitioner/wife seeks transfer of petition for divorce filed by the respondent/husband in O.P.No.2072 of 2016 pending on the file of the learned Principal Family Court Judge at Chennai to the file of the Principal Family Court at Vellore.

2. According to the petitioner/wife, she is now residing at Senji Viilage, Katpadi Taluk, Vellore District along with her parents and she is having a school going daughter. Therefore, she finds it very difficult to undertake such a long travel to Chennai to attend each and every hearing before the learned Principal Family Judge, Chennai. Hence, she filed this transfer petition for the aforesaid prayer.

3. The learned counsel for the respondent opposed the transfer petition on the ground that the respondent is suffering from serious Neurological problem and he has major limitation in mobility. Therefore, if the petition in O.P.No.2072 of 2016 is transferred to the Principal Family Court, Vellore, it may not be possible to him to undertake long travel to attend the hearings at Principal Family Court, Vellore. The learned counsel for the respondent also produced the doctor certificate issued on 24.09.2021, wherein it was mentioned



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that due to the Neurological problem suffered by the respondent/husband, his mobility is seriously impaired.

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

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, the petitioner/wife is residing at Senji Village, Katpadi Taluk, Vellore District along with her parents and she is having a school going daughter. Therefore, she finds it very difficult to undertake such a long travel to Chennai to attend each and every hearing before the learned Principal Family Judge, Chennai. Therefore, taking into consideration of the convenience of the wife and also medical ground urged by the respondent/husband, this Court is inclined to transfer the petition for divorce in O.P.No.2072 of 2016 filed by the respondent/husband before the learned Principal Family Court Judge, Chennai to the file of the Principal Sub Court, Vellore.

7. In such case, the respondent/husband need not attend the court



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hearings personally and he can engage an Advocate to conduct the aforesaid case.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the petition for divorce filed by the respondent/husband in O.P.No.2072 of 2016 pending on the file of the learned Principal Family Court Judge, Chennai is withdrawn and transferred to the file of the Principal Sub Court, Vellore. No costs. Consequently, the connected civil miscellaneous petition is closed.

23.09.2022

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



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To

1.The Principal Family Court Judge,
Chennai.

2.The Principal Sub Court,
Vellore.



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S.SOUNTHAR, J.

dm

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