



WEB COPY



Tr.C.M.P.No.708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.708 of 2022
and C.M.P.No.12079 of 2022

M.Udhaya

...Petitioner

Vs

M.Suresh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.59 of 2022, on the file of the Subordinate Judge, at Bhavani, Erode District, filed by the respondent herein, and transfer the same to the Subordinate Judge, at Alandur, Chengalpattu District.

For Petitioner : Mr.V.Ramanareddy

For Respondent : M/s.S.Sivakumar



Tr.C.M.P.No.708 of 2022

ORDER

WEB COPY

The petitioner/wife filed this Transfer Civil Miscellaneous Petition seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.59 of 2022 from the file of the Sub Court, Bhavani, Erode District to the Sub Court, Alandur, Chengalpattu.

2. According to the petitioner, she is residing at Thoraipakkam within the territorial limits of the Sub Court, Alandur. She finds it very difficult to undertake long travel to Bhavani at Erode District to attend the Court hearing in a petition for restitution of conjugal rights filed by respondent/ husband.

3. The learned counsel for the respondent opposed the transfer application mainly on the ground that the petitioner/wife filed this transfer application just to harass the respondent and there is no bonafide in her claim.

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 is residing at Thoraipakkam within the territorial limits of the Sub Court, Alandur and it is also stated that as a



Tr.C.M.P.No.708 of 2022

lady, she finds it very difficult to undertake long travel to the Sub court,

Bhavani to attend the Court hearing.

6. In the facts and circumstances of the case, by taking into consideration the convenience of the wife, this Court is inclined to order the above Transfer Civil Miscellaneous Petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed, the petition filed in H.M.O.P.No.59 of 2022 on the filed of the Sub Court, Bhavani, Erode District is withdrawn and transferred to the Sub Court, Alandur, Chengalpattu. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

19.09.2022

jai

Index: Yes/ No

Speaking Order / Non-Speaking Order



WEB COPY



Tr.C.M.P.No.708 of 2022

S.SOUNTHAR, J.

jai

To

- 1.The Subordinate Judge,
Bhavani, Erode District.
- 2.The Subordinate Judge,
Alandur, Chengalpattu District.

Tr.C.M.P.No.708 of 2022
and C.M.P.No.12079 of 2022

19.09.2022