



WEB COPY



TR.CMP.No.748 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.748 of 2022
and CMP.No.12726 of 2022

Subhashini

... Petitioner

VS

Kishore

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.33 of 2022 on the file of the Subordinate Court, Gudalur and to transfer the same to the family Court, Coimbatore.

For Petitioner : Mr.B.Thirumalai
For Respondent : Mr.P.V.Ravi Chandran

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the petition for restitution of conjugal right filed by the respondent/husband in HMOP.No.33 of 2022 on



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the file of Subordinate Court, Gudalur, to the file of Family Court, Coimbatore.

2. According to the petitioner/wife, she is residing at Onampalayam, within the territorial limits of Coimbatore. Learned counsel for the petitioner stated that the Domestic Violence complaint preferred by the petitioner/wife is pending on the file of Judicial Magistrate Court, Coimbatore in D.V.C.No.111 of 2022.

3. It is settled law that in the matrimonial cases, the convenience of the wife shall be given preference. In the case on hand, the petitioner is residing at Onampalayam within the territorial limits of the Family Court, Coimbatore. She finds very difficult to undertake long distance travel to attend each and every hearing before the Subordinate Court, Gudalur . She has already filed a petition for Domestic Violence before the Judicial Magistrate Court, Coimbatore. In such circumstances, the respondent husband has to visit Coimbatore for the purpose of attending the Court proceedings in D.V.C.No.111 of 2022.



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WEB COPY 4. By considering the facts and circumstances of the case and convenience of the wife, this Court is inclined to transfer the case pending on the file of the Subordinate Court, Gudalur to the file of the Family Court, Coimbatore.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.33 of 2022, from the file of Subordinate Court, Gudalur and transferring the same to the file of Family Court, Coimbatore. No costs. Consequently, connected miscellaneous petition is closed.

28.09.2022

Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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To

- 1.The Subordinate Court, Gudalur
- 2.The Family Court, Coimbatore.

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S.SOUNTHAR, J.

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