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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

**TR.CMP.Nos.728 & 740 of 2022
and
CMP.Nos.12353 & 12619 of 2022**

1.Hajeera	... Petitioner in Tr.CMP.No.740/2022 & 1 st petitioner in Tr.CMP.No.728/2022
2.Nazieain Harmyiean (Rep by 1 st petitioner/mother)	... 2 nd Petitioner in Tr.CMP.No.728/2022
Vs.	
Nizam Basha	.. Respondent in both Tr.CMPs

COMMON PRAYER: Transfer Civil Miscellaneous Petitions are filed under Section 24 of C.P.C., to withdraw the FCMC.No.16 of 2019 & M.M.O.P.No.01 of 2018 on the file of the Family Court, Dharmapuri and transfer the same to the file of Family Court, Vellore.

For Petitioner : Mr.R.Thangavel

For Respondent : Mr.C.Prabakaran (in Tr.CMP.No.728/2022)

No appearance in Tr.CMP.No.740 of 2022

COMMON ORDER

These transfer petitions in TR.CMP.Nos.728 and 740 of 2022 are filed by the petitioner/wife seeking transfer of FCMC.No.16 of 2019 and



M.M.O.P.No.01 of 2018 pending on the file of Family Court, Dharmapuri,
to the Family Court, Vellore.

2. According to the petitioner/wife, she is residing at Thirupathur within the territorial limits of the Family Court, Vellore. It is also stated that she is having a child aged about 3 years and therefore, she finds it very difficult to undertake long travel to attend the hearings before the Family Court, Dharmapuri.

3. It is settled law that in cases involving matrimonial dispute, preference shall be given to the convenience of the petitioner/wife.

4. In the case on hand, the petitioner/wife is residing at Thirupathur, within the territorial limits of Family Court, Vellore and she is also having a child aged about 3 years. Therefore, it may not be convenient for her to undertake long distance travel to attend the court hearings before the Family Court, Dharmapuri. Therefore, the petition in HMOP.No.01 of 2018 filed by the respondent/husband seeking divorce and petition in FCMC.No.16 of 2019, filed by petitioner/wife are deserved to be transferred, by taking into consideration, the convenience of the wife.



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5. In the result, these Transfer Civil Miscellaneous petitions are allowed. The petitions filed in FCMC.No.16 of 2019 and M.M.O.P.No.01 of 2018 pending on the file of the Family Court, Dharmapuri are withdrawn and the same are transferred to the Family Court, Vellore. The Family Court, Vellore, is directed to take both the matters simultaneously. Consequently, connected miscellaneous petition are closed. No costs.

27.10.2022

Index : Yes/No

Internet : Yes/No

gv

To

1. The Family Court, Dharmapuri.
2. The Family Court, Vellore.



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S.SOUNTHAR.,J.

Gv

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