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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.No.706 of 2021

And

C.M.P.No. 17413 of 2021

M.Shanmugapriyaa

... Petitioner/Respondent

Vs.

R.Aathikesavan

... Respondent/Petitioner

Rep by Power of Attorney

Agent, P.Venugopal

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the H.M.O.P.No. 80 of 2021 pending on the file of Subordinate Judge, Alandur, Chennai and to transfer the same to the Principal Sub Court, Tiruppur, so as to try along with divorce petition in H.M.O.P.No. 220 of 2019.

For Petitioner : Mr. N.Ponraj

For Respondent : Mr. M. Mohanarangan

O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No. 80 of 2021 on the file of Subordinate Court, Alandur, Chennai to Principal Sub Court, Tiruppur, where her petition for divorce is pending as H.M.O.P.No. 220 of 2019.

2. On 14.12.2021, it was represented that O.P.No. 220 of 2019 on the file of Principal Sub Court, Tiruppur, has been disposed of. Hence, the matter was adjourned directing the counsel to verify.

3. Today the learned counsel for the respondent/husband is absent. The learned counsel for the petitioner/wife would submit that the statement made that O.P.No. 220 of 2019 has been disposed of wrong. He would add that the said Original Petition



has been transferred to the Family Court at Tiruppur upon constitution of the Family Court and the same has been renumbered as O.P.No. 709 of 2020.

4. Transfer is sought for mainly on the ground of convenience since the wife is a resident of Tiruppur.

5. It is seen from the records, the husband is not in India. He is working Netherlands and he is represented by his father as his power agent.

6. Considering the convenience of the wife, who is a resident of Tiruppur, the Original Petition in O.P.No. 220 of 2019 renumbered as O.P.No. 709 of 2020 if H.M.O.P.No. 80 of 2021 is to be tried along with H.M.O.P.No. 709 of 2020 on the file of Family Court, Tiruppur and transferred has to be effected at Family Court, Tiruppur. If transfer is ordered to the Family Court, Tiruppur, the father of the husband, who is representing him as power agent will be put to great difficulty as he will be forced travel to Tiruppur for every hearing before the Family Court.

7. Convenience of the wife as well the other party to the marriage should be considered by the Court while dealing with transfers of matrimonial matters. May be the convenience of the wife will have a slight edge over that of the husband.

8. Considering the same, Original Petition in H.M.O.P.No. 80 of 2021 on the file of Sub Court, Alandur and O.P.No. 709 of 2020 on the file of Family Court, Tiruppur, are withdrawn and transferred to the Sub Court, Tiruppur where the parties can be represented by counsel for non essential hearings. This will actually reduce the inconvenience caused to the husband because of the transfer. Hence, this Transfer Civil Miscellaneous Petition is allowed.

9. H.M.O.P.No. 709 of 2020 on the file of Family Court, Tiruppur and H.M.O.P.No. 80 of 2021 on the file of Sub Court, Alandur are withdrawn and transferred to the file of Sub Court, Tiruppur to be tried and disposed of in accordance with law.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

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1. The Subordinate Judge,
Alandur.
2. The Judge,
Family Court,
Tiruppur.
3. The Subordinate Judge,
Tiruppur.

+1cc to Mr. N.Ponraj, Advocate, S.R.No.2376

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GPL[co]
NSK 08/02/2022