



Tr.CMP.No.792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.792 of 2022

and

C.M.P. No.13601 of 2022

Revathi @ Grace

... Petitioner

Vs.

K.Dhakshanamoorthy @
James Dhakshanamoorthy
Respondent

...

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to transfer of O.P.No.1227 of 2021 on the file of IV Additional Family Court, Chennai and the same may be transferred to the Sub Court, Maduranthakam.

For Petitioner : Mr.K.Shyam Sunder

For Respondent : Mr.K.Naveen Kumar for



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M/s.N.S.Suganthan

ORDER

The petitioner/wife seeks transfer of divorce petition filed by the respondent/husband in OP.No.1227 of 2022 pending on the file of the IV Additional Family Court, Chennai to the file of Sub Court, Maduranthakam.

2. According to the petitioner/wife, she is residing at Zamin Endathur, Madthuranthagam Taluk, Chengalpattu District, along with her parents, within the territorial jurisdiction of the Sub-Court, Maduranthakam. The petitioner also averred in the affidavit that she is having minor school going child aged about 7 years old. Therefore, it is stated that it would not be convenient for the petitioner to undertake a travel to Chennai to attend the hearing before the IV Additional Family Court, Chennai.

3. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand, the petitioner is residing at Zamin Endathur, Maduranthakam, within the territorial limits of Sub Court, Maduranthakam, and she is also having minor



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child. The facts and circumstances and balance of convenience requires the transfer of O.P.No.1227 of 2021, divorce petition, filed by the respondent/husband to the Sub-Court, Maduranthakam.

4. Accordingly, the transfer petition is allowed by withdrawing O.P.No.1227 of 2021 from the file of IV Additional Family Court, Chennai and transferring the same to the file of Sub Court, Maduranthakam.

5. It is stated by the learned counsel for the respondent that the petitioner was already set ex-parte on 05.07.2022. The learned counsel for the petitioner submitted that she has filed a petition to set aside the ex-parte order on 02.08.2022 and the same was numbered as I.A.No.1 of 2022. Therefore, the transferee Court can decide I.A.No.1 of 2022, which was filed to set aside the ex-parte order. No Costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index : Yes / No
Internet : Yes / No
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S.SOUNTHAR, J.
dna

To

- 1.The IV Additional Family Court, Chennai.
- 2.The Sub Court, Maduranthakam.

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