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Tr.C.M.P.No.780 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.09.2022**

**CORAM:**

**THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

**Tr.C.M.P.No.780 of 2022**

**and**

**C.M.P.No.13395 of 2022**

C.S.Keerthana

... Petitioner

Vs.

R.Pranesh

... Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw the HMOP No.103 of 2022 on the file of Family Court at Coimbatore and transfer the same to Family Court at Thiruvallur to try along with H.M.O.P.No.155 of 2022 and M.C.No.22 of 2022 pending on the file of Family Court at Thiruvallur.

For Petitioner : Mr.K.V.Muthuvisakan

**ORDER**

The petitioner/wife seeks transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.103 of 2022 on the file of the Family Court, Coimbatore and transfer the same to the Family Court at Thiruvallur.



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2. Though the notice has been served on the respondent and his name appears in the list. Today when the case is taken up for hearing, there is no representation on behalf of the respondent.

3. The petitioner averred in her affidavit that she is residing at Thiruvallur and as a lady she finds it very difficult to undertake long travel to attend each and every hearings of the Family Court, Coimbatore. Further, it is stated that the petition seeking maintenance filed by the petitioner/wife in M.C.No.22 of 2022 is also pending before the Family Court, Thiruvallur

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/wife is residing along with her parents at Thiruvallur, which is 400 kms away from Coimbatore. Therefore, as a lady, it may not be possible for her to undertake such a long travel, without a companion. Further, the petitioner/wife has already filed a petition for maintenance in M.C.No.22 of 2022 on the file of Family Court, Thiruvallur. Therefore, in any way the respondent/husband has to attend the Family Court,



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Thiruvallur to contest the petition in HMOP.No.155 of 2022 and M.C.No.22 of

2022 filed by the petitioner/wife.

6. By taking into consideration the facts and circumstances of the case and also the convenience of the petitioner/wife, this Court is inclined to order the transfer petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed, the petition for restitution of conjugal rights filed by the respondent/husband in HMOP.No.103 of 2022 on the file of the Family Court, Coimbatore is withdrawn and transferred to the Family Court, Thiruvallur. No costs. Consequently, the connected civil miscellaneous petition is closed.

**20.09.2022**

Index : Yes/No  
Speaking Order : Yes/No  
rgm



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**S.SOUNTHAR, J.**  
rgm

To

1. The Family Court,  
Coimbatore.
2. The Family Court,  
Thiruvallur.

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