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Tr.C.M.P.No.849 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.849 of 2022

and

C.M.P.No.14530 of 2022

Dr.D.P.Punitha

... Petitioner

Vs.

Dr.G.Ranganathan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw the H.M.O.P.No.105 of 2022 on the file of the Family Court, Villupuram, and transfer the same to the Family Court, Dharmapuri.

For Petitioner : Mr.J.Bharathi Raja

For Respondent : Mr.T.Saikrishnan

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.105 of 2022, from the file of the Family Court, Villupuram to the Family Court, Dharmapuri or any other Court.



Tr.C.M.P.No.849 of 2022

2. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent.

3. According to the petitioner/wife, she is working as a Doctor-cum-Assistant Professor (General Medicine) at Government Thiruvannamalai Medical College Hospital and she expressed difficulty in undertaking travel to Villupuram to attend each and every hearing before the Family Court, Villupuram.

4. The respondent/husband has filed a counter affidavit and opposed the Transfer Civil Miscellaneous Petition.

5. It is stated by the respondent that though, the petitioner is working at Thiruvannamalai, she used to attend her Clinic at Villupururam. Therefore, the petition filed by the petitioner/wife explaining difficulty in undertaking travel to Villupuram may not be a ground for considering Transfer Civil Miscellaneous Petition.



Tr.C.M.P.No.849 of 2022

WEB COPY

6. The petitioner filed reply affidavit denying allegations in the counter affidavit of respondent, as if, she was having a clinic at Villupuram.

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

8. In the case on hand, admittedly, the petitioner/wife is working at the Government Medical College Hospital, Thiruvannamalai. Though, she sought for transfer of H.M.O.P.No.105 of 2022 from the file of the Family Court, Villupuram to the Family Court Dharmapuri, she is not justified in seeking transfer to the Family Court Dharmapuri, as she is working at Thiruvannamalai.

9. However, in view of the fact, the petitioner expressed her difficulty in undertaking travel to Villupuram to attend the Family Court hearings regularly, by taking into consideration, the convenience of the petitioner/wife, this Court is inclined to order the above transfer petition by transferring the petition for divorce filed by the respondent/husband, to Sub Court, Thiruvannamalai.



WEB COPY



Tr.C.M.P.No.849 of 2022

10. Accordingly, the Transfer Civil Miscellaneous Petition is allowed, the petition for divorce filed by the respondent/husband in H.M.O.P.No.105 of 2022, pending on the file of the Family Court, Villupuram is withdrawn and the same is transferred to the file of the Sub Court, Thiruvannamalai. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.11.2022

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

To

1. The Family Court,
Villupuram.
2. The Sub Court,
Thiruvannamalai.



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Tr.C.M.P.No.849 of 2022

S.SOUNTHAR, J.

rgm

Tr.C.M.P.No.849 of 2022
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C.M.P.No.14530 of 2022

02.11.2022