



Tr.CMP.No.832 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM:

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

Tr.CMP.No.832 of 2022

and

C.M.P.No.14407 of 2022

V.Swathiga

... Petitioner

Versus

K.Keerthi Anand

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.55 of 2022, on the file of the learned Sub Judge, Tiruvottiyur and transfer to the Family Court, Salem.

For Petitioner : Ms.R.Roshini

For Respondent : M/s.C.T.Prabhakar

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.55 of 2022 from the file of the Sub Judge, Tiruvottiyur to the



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Family Court, Salem.

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2. According to the petitioner/wife, she is residing at Old Suramangalam, Salem and she finds it very difficult to undertake travel to Tiruvottiyur to attend Family Court hearings. It is also stated that the petitioner had filed a complaint under Domestic Violence Act and the same has been numbered in D.V.C.No.71 of 2021 and pending on the file of the Additional Mahila Court, Salem.

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

4. In the present case on hand, the petitioner/wife is residing at Old Suramangalam, Salem within the territorial limits of Family Court, Salem. It is also stated that the petitioner/wife filed a petition under the Domestic Violence Act and the same is pending before the Additional Mahila Court, Salem. In any way, the respondent/husband has to travel to Salem to defend the D.V.C., case filed by petitioner/wife. Therefore, by taking into consideration the convenience of wife, this Court is inclined to order the Transfer Civil



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Miscellaneous Petition.

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5.The learned counsel for the respondent made a request to this Court to fix the outer limit to dispose of the Original Petition. The petition for divorce filed by the respondent is of the year 2021. It was also stated that the Original Petition in H.M.O.P.No.87 of 2021 was originally filed by the respondent before the Principal Sub Judge, Ponneri and the same was subsequently renumbered and transferred to the Sub Judge, Tiruvottiyur as H.M.O.P.No.55 of 2022.

6.The learned counsel for the petitioner has no objection for fixing time limit for disposal of the Original Petition. Therefore, this Court is inclined to issue direction to the Family Court, Salem to dispose of the Original Petition within a period of nine (9) months from the date of transfer of an Original Petition from the Court.

S.SOUNTHAR, J.

rpl



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7. With the above directions, the Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.55 of 2022 pending on the file of the Sub Judge, Tiruvottiyur, is withdrawn and transferred to the Family Court, Salem. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

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To

1. The Sub Court, Tiruvottiyur

2. The Family Court, Salem.

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