



WEB COPY



Tr.CMP.No.916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.SOUNTHAR**

Tr.CMP.No.916 of 2022

and

C.M.P.No.15730 of 2022

S.Nithya

... Petitioner

Versus

S.Rajasekar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.691 of 2018 on the file of learned Principal Family Court Judge, Coimbatore at Coimbatore and transfer the same to the learned Principal Family Court Judge at Erode.

For Petitioner : Mr.S.Bharanidharan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of petition for divorce filed by the petitioner in H.M.O.P.No.691 of



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2018 pending on the Principal Family Court, Coimbatore to the Principal Family Court, Erode.

2.Though notice was served on the respondent as early as 21.09.2022 and his name is appears in the cause list, there is no representation for the respondent.

3.The learned counsel for the petitioner submitted that at the time of filing of the petition, the petitioner was working at Coimbatore and hence the petition was filed before the Principal Family Court, Coimbatore. According to the petitioner/wife, now she is residing at Krishnamapalayam village, Erode District within the territorial limit of the Erode along with aged parents. It is also stated that she finds it very difficult to undertake long travel to Coimbatore to attend Court hearing.

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



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5. In the case on hand, the petitioner is residing at Krishnamapalayam village, Erode District within the territorial limit of Family Court, Erode. She has also expressed difficulty in undertaking travel to attend Court hearing at Coimbatore.

6. Therefore, this Court is inclined to order the Tr.C.M.P. Petition. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.691 of 2018 pending before the Principal Family Court, Coimbatore is withdrawn and transferred to the Principal Family Court, Erode. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Speaking Order : Yes / No
rpl

To

1. The Principal Family Court Judge, Coimbatore.
2. The Principal Family Court Judge, Erode.

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S.SOUNTHAR, J.

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