



TR.CMP.No.838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.838 of 2022
and CMP.No.14428 of 2022

J.Mohanabai

... Petitioner

VS

P.Jegadeshwarsingh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleaded to withdraw the case in H.M.O.P.No.51 of 2022 pending on the file of the Subordinate Judge at Avinashi at Tiruppur District and transfer the same to the family Court at Vellore, Vellore District.

For Petitioner : Mr.M.Sathish Kumar
For Respondent : Mr.N.S.Suganthan
for M/s.NSS Advocacy LLP

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the petition for divorce filed by the respondent/husband in HMOP.No. 51 of 2022 on the file of Subordinate



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Court, Avinashi to the file of Family Court, Vellore.

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2. According to the petitioner/wife, she is residing at Vellore and she is having a three (3) years old child. Therefore, she finds it very difficult to undertake such a long travel to attend the Court proceedings.

3. It is settled law that in the matrimonial cases, the convenience of the wife shall be given preference. In the case on hand, the petitioner is residing at Vellore and she is also having a three (3) years old child. Therefore, it may not be more convenient for her to undertake such a long travel to Avinashi. By considering the facts and circumstances of the case and convenience of the wife, this Court is inclined to order the above transfer application.

4. The learned counsel for the respondent submits that the respondent/husband is working at Bangalore and if the matter is transferred to the Family Court, Vellore, he has to attend each and every hearings. Therefore, the matter may be transferred to the file of Subordinate Court, Vellore. So that he can engage a counsel and conduct the case.



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6. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.51 of 2022, from the file of Subordinate Court, Avinashi and transferring the same to the file of Subordinate Court, Vellore. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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To

- 1.The Subordinate Court, Vellore.
- 2.The Subordinate Court, Avinashi.

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