



Tr.CMP.No.860 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.860 of 2022

and

CMP.No.14965 of 2022

Aksshaya

... Petitioner

Vs.

C.Naveen Raj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the proceedings in HMOP.No.637 of 2021 now pending on the file of the Subordinate Judge, Poonamallee and transfer the same to the file of the Family Court, Coimbatore or to any of the District Courts at Coimbatore.

For Petitioner : Ms.Elizabeth Ravi

For Respondent : No appearance



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ORDER

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This petition has been filed to withdraw the proceedings in HMOP.No.637 of 2021 now pending on the file of the Subordinate Judge, Poonamallee and transfer the same to the file of the Family Court, Coimbatore or to any of the District Court at Coimbatore.

2. The petitioner/wife represented by her Power of Attorney/mother filed this transfer application seeking transfer of petition of restitution of conjugal rights filed by the respondent/husband in HMOP.No.637 of 2021 pending on the file of the Sub-Court, Poonamallee to the Family Court, Coimbatore or to any other District Court at Coimbatore.

3. According to the petitioner, she is residing at Coimbatore and she is represented by her mother in the matrimonial proceedings. She filed a petition for divorce in HMOP.No.1936 of 2021 and the same is pending before the District Family Judge, Coimbatore. The respondent/husband on his part filed a petition for restitution of conjugal rights in HMOP.No.637 of 2021 which is pending on the file of the Subordinate Court, Poonamallee.



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4. The petitioner averred in her affidavit that she has got some difficulty and it would not be convenient for her to undertake a long travel from Coimbatore to Poonamallee to attend the hearing before the Subordinate Court, Poonamallee.

5. In fact, earlier the respondent/husband sought for transfer of the petition filed by the wife before the Family Court, Coimbatore to Subordinate Court, Poonamallee, for joint trial and this Court dismissed the same.

6. It is a settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand, the petitioner is residing at Coimbatore and she expressed her difficulty to undertake a long travel for more than 400 kilometers. Further, if the divorce petition filed by the petitioner and the restitution of conjugal rights petition filed by the respondent are allowed to go on separately in two different Courts, there shall be a likelihood of having conflict of judicial verdicts by the Courts of competent jurisdictions.



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S.SOUNTHAR, J.

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7. Therefore, in the interests of justice and also by taking into consideration the convenience of the wife, this transfer petition is allowed by withdrawing HMOP.No.637 of 2021 pending on the file of the Subordinate Judge, Poonamallee and transferring the same to the file of the Family Court, Coimbatore, for joint trial along with HMOP.No.1936 of 2021. No Costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

dna

To

- 1.The Subordinate Judge, Poonamallee
2. The Family Court, Coimbatore.

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