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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP NO.775 OF 2021

AND

CMP NO.18207 OF 2021

Nandini @ Regina

... Petitioner

Vs

J.Saron

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw and transfer Indian divorce original petition in IDOP.No.186 of 2020 from the Principal District Family Court, Chengalpattu to Principal District Family Court, Coimbatore or any competent court to try the same.

For Petitioner : Mr.S.Ravichandran

For Respondent : Mr.M.I.Javid Akbar

O R D E R

The petitioner wife seeks transfer of IDOP.No.186 of 2020 pending on the file of the Family Court, Chengalpattu to Family Court, Coimbatore. The transfer is sought for solely on the ground of convenience as the wife is a resident of Coimbatore.

2.Mr.S.Ravichandran, learned counsel appearing for the petitioner wife would contend that attending the Family Court for every hearing travelling from Coimbatore to Chengalpattu causes substantial inconvenience and hardship to the wife and therefore, considering the convenience of the wife, the proceeding must be transferred to Coimbatore.



3. Opposing the same, Mr.Javid Akbar, learned counsel appearing for the respondent/husband would submit that the same amount of inconvenience will have to be experienced by the husband if the matter is transferred to the Coimbatore.

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4. No doubt, the convenience of the wife should be given priority while considering transfer of matrimonial matters, but the convenience of the husband cannot also be totally ignored. As rightly pointed out by Mr.Javid Akbar, if the proceedings are transferred to the Family Court, Coimbatore, the husband will have to appear for every hearing covering distance about 500 kms.

5. In order to avoid such inconvenience, I am of the opinion that the O.P. should be transferred to the Principal District Court, Coimbatore, where appearance of parties for every hearing is unnecessary.

6 .In fine, this Transfer Civil Miscellaneous Petition is allowed and the IDOP.No.186 of 2020 is withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Principal District Court, Coimbatore to be tried and disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Family Court, Chengalpet.

2. The Principal District Court, Coimbatore.

+2ccs to M/s.M.I.Javid Akbar, Advocate, S.R.No.3947

+1cc to Mr.S.Ravichandran, Advocate, S.R.No.4108

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KSM(CO)
RLP(09/02/2022)