



TR.CMP.No.870 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM:

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

Tr.CMP.No.870 of 2022

MrsI.Jananayaki @ Jasmine

... Petitioner

Versus

C.Kannan @ Joseph Kirubhakaran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the petition I.D.O.P.No.192 of 2022 from the Family Court, Chengalpet and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.R.Cauvery Selvan

For Respondent : M/s.B.Rathika

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of petition for divorce filed by the petitioner/husband in I.D.O.P.No.192 of 2022 from the file of the Family Court, Chengalpet to the Family Court, Trichy.



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WEB COPY 2. According to the petitioner/wife, she is residing at Trichy within the territorial jurisdiction of the Family Court, Trichy. The petitioner has also expressed her difficulty to undertake long travel to Chengalpet, from her native to attend the Court hearings.

3. The respondent herein filed a counter, wherein it was mentioned that he was suffering from due to severe abdominal pain and he was diagnosed with acute pancreatitis. He has also enclosed medical certificate issued by the Doctor dated 24.09.2022. Wherein he was advised to take complete bed rest for a period of four months.

4. The learned counsel for the respondent is also opposed the transfer petition on the ground that the matter was referred to mediation at the Family Court, Chengalpet. The brother of the petitioner, who accompanied her came in a car with the police sticker and threatened the respondent. Therefore, there may not be any physical safety for the respondent in the Court at Trichy.



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

6. In the case on hand, the petitioner is residing at Trichy along with her parents. She had also expressed her difficulty in undertaking long travel to Chengalpet. However, the respondent also expressed difficulty to undertake travel citing his health factors.

7. In the facts and circumstances, if the case is transferred to learned Principal District Judge, Trichy instead of Family Court, Trichy, the respondent can very well engaged a counsel and conduct the case therein without attending each and every Court hearing. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in I.D.O.P.No.192 of 2022 pending on the file of the Family Court, Chengalpet is withdrawn and transferred to the Principal District Court, Trichy. Consequently, connected miscellaneous petition is closed. No costs.

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



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S.SOUNTHAR, J.

rpl

To

1. The Family Court,
Chengalpet
2. The Family Court,
Trichy.

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