



TR.CMP.No.903 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.11.2022**

**CORAM:**

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

**TR.CMP.No.903 of 2022**  
**and CMP.No.15515 of 2022**

A.Elakkiya

... Petitioner

VS

N.Keerthick

... Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code, pleaded to withdraw and transfer D.O.P.No.59 of 2022 which is pending on the file of the Family Court, Salem District to be tried before the Family Court, Coimbatore.

For Petitioner : Mr.P.Saravanan

For Respondent : Mr.S.Pushpakaran

**ORDER**

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the petition for restitution of conjugal right filed by the respondent/husband in D.O.P.No.59 of 2022 pending on the file of the Family Court, Salem to the Family Court, Coimbatore.



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WEB COPY 2. According to the petitioner/wife, she is residing at Coimbatore. As a lady she finds it very difficult to undertake a long travel to Salem to attend each and every hearing before the Family Court, Salem.

3. The learned counsel for the respondent vehemently opposed the transfer application on the ground that the marriage had taken place within the territorial limits of Family Court, Salem. Therefore, the petition filed by the petitioner/wife is only to harass the respondent.

4. 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 Coimbatore and she had expressed her difficulty in undertaking her long travel to Salem to attend the Family Court hearings. It is also submitted by the learned counsel for the petitioner that the petitioner/wife filed Domestic violence case in D.V.C.No.187 of 2021 on the file of Coimbatore Special Court for Protection of Domestic Violence and same is pending. Therefore, the respondent/husband has to travel to Coimbatore to attend the Court proceedings in D.V.C.No.187 of 2021. By taking into consideration convenience of the wife, this Court is inclined to order the above transfer



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petition.

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5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the D.O.P.No.59 of 2022 from the file of Family Court, Salem, to the file of Family Court, Coimbatore. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No  
Internet : Yes / No  
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To

- 1.The Family Court, Coimbatore.
- 2.The Family Court, Salem.



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**S.SOUNTHAR, J.**

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