



Tr.C.M.P.No.854 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.854 of 2022
and CMP.No.14554 of 2022

Famila

...Petitioner

Vs

Al Mubeen

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw O.S.No.131 of 2020, pending on the file of I Additional Family Court, Chennai and transfer the same to the file of the Family Court, Karaikal.

For Petitioner : Mr.P.Vijayakanth

For Respondent : Mr.Ganesh and Ganesh



Tr.C.M.P.No.854 of 2022

ORDER

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The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of suit filed by the respondent/husband, seeking declaration that the marriage solemnized between the parties stood dissolved, in O.S.No.131 of 2020, pending on the file of the I Additional Family Court, Chennai to the file of Family Court, Karaikal.

2. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondent.

3. According to the petitioner, she is residing at Nallambal Village, Karaikkal and she finds it very difficult to undertake frequent travel to attend the Court hearing before Family Court, Chennai.

4. The learned counsel for the respondent filed counter and opposed the transfer petition.



Tr.C.M.P.No.854 of 2022

5. It is settled law that in cases involving matrimonial disputes, the convenience of the wife shall be given preference. In the case on hand, wife is residing at Nallambal Village, Karaikkal, within territorial limits of Family Court, Karaikal. Taking into consideration the facts and circumstances of the case and the convenience of the petitioner/wife, O.S.No.131 of 2022, pending on the file of the I Additional Family Court, Chennai is withdrawn and transferred to the file of Family Court, Karaikal.

6. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing O.S.No.131 of 2022, pending on the file of I Additional Family Court, Chennai, and transferring the same to the Family Court, Karaikal. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2022

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Index: Yes/ No

Speaking Order / Non-Speaking Order



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Tr.C.M.P.No.854 of 2022

S.SOUNTHAR, J.

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To

1. The I Additional Family Court, Chennai.
2. The Family Court, Karaikal.

Tr.C.M.P.No.854 of
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18.10.2022