



TR.CMP.No.901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.901 of 2022
and CMP.No.15502 of 2022

N.Poornima

... Petitioner

vs

S.Ganapathi @ Ashok

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, pleased to pass appropriate order to withdraw the case in HMOP.No.241 of 2021 pending on the file of Family Court, Thoothukudi, and transfer the same to the Family Court, High Court campus, Madras.

For Petitioner : Mr.P.Murali

For Respondent : Mr.B.Vishnuchelliya

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the petition filed by the respondent/husband in HMOP.No.241 of 2021 seeking declaration that the



TR.CMP.No.901 of 2022

marriage between the parties is a nullity.

WEB COPY

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

3. The learned counsel for the respondent vehemently opposed the transfer application on the ground that the petitioner has got parental home at Madurai and she was already set exparte in the main Original Petition. It is also brought to the notice of the Court that the petitioner had filed a petition to set aside the exparte order and the said statement of counsel for petitioner is recorded.

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 Valasarawakkam near Chennai. She also expressed her difficulty in undertaking long travel to Thoothukudi. In support of her claim that she is



TR.CMP.No.901 of 2022

residing at Valasarawakkam, she produced the copy of the Aadhar card which was issued to her on 07.01.2014. Therefore, by taking into consideration convenience of the wife, this Court is inclined to transfer the case pending on the file of Family Court, Thoothukudi, to the file of Family Court, Madras.

5. The learned counsel for the respondent submitted that the respondent husband is a Marketing Executive. Therefore, requested for dispense with of his personal appearance before the Court below. It is always open to the respondent to file an appropriate application seeking to dispense with his personal appearance. He further requested that a time limit may be fixed to dispose of the original petition.

6. By taking into consideration Original Petition filed by the respondent/husband is of the year 2021, this Court is inclined to issue a direction to the Family Court, Chennai to dispose of the main Original Petition within a period of nine (9) months from the receipt of the material on record from the transferor Court.



TR.CMP.No.901 of 2022

S.SOUNTHAR, J.

WEB COPY

nti

7. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the HMOP.No.241 of 2021 from the file of Family Court, Thoothukudi, to the file of Family Court. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2022

Index : Yes / No

Internet : Yes / No

nti

To

- 1.The Family Court, Thoothukudi,
- 2.The Family Court, High Court campus, Madras.

TR.CMP.No.901 of 2022
and CMP.No.15502 of 2022

4/4