



TR.CMP.No.876 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.876 of 2022
and CMP.No.15134 of 2022

M.A.Asrin Riya Fathima

... Petitioner

VS

S.Moideen Kaafil Siraj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the Suit in O.S.No.56 of 2021 pending on the file of the learned Family Court at Madurai and transfer the same to the Learned III Additional Family Court at Chennai to be tried along with pending M.C.No.252 of 2021 filed by the petitioner herein.

For Petitioner : M/s.S.Ambigapathi
For Respondent : No appearance

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the original suit filed by the



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respondent/husband for dissolution of marriage in O.S.No.56 of 2021 on the file of the Family Court, Madurai, to the file of III Additional Family Court, Chennai.

2. Though the respondent was served and his name appeared in the cause list, there is no representation for the respondent.

3. According to the petitioner/wife, she is residing at Chennai and Madurai is nearly 400 Kms away from her place of residence. It is also stated that she finds it very difficult to attend the Court hearings before the Family Court, Madurai and she is also having a child aged about 1 1/2 years.

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 Chennai and she is having a child aged about 1 1/2 years. Therefore, it will be very difficult for her to attend the Family Court hearings at Madurai. Apart from that the petitioner wife also filed the petition for maintenance in M.C.No.252 of 2021 on the file of III Additional Family Court, Chennai.



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Therefore, the respondent has to come to Chennai to attend the Court hearings in M.C.No.252 of 2021. By taking into consideration of the facts and circumstance of the case and convenience of the wife, this Court is inclined to order the above transfer petition.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the O.S.No.56 of 2021, from the file of the Family Court, Madurai and transferring the same to the file of III Additional Family Court, Chennai for simultaneous hearings along with the petitioner's Maintenance case in M.C.No.252 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
Speaking Order : Yes / No

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S.SOUNTHAR, J.

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To

- 1.The III Additional Family Court, Chennai.
- 2.The Family Court, Madurai.

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