



WEB COPY



Tr.CMP.No.888 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.888 of 2022

and

CMP.No.15400 of 2022

Lakshmidevi

... Petitioner

Vs.

C.Rajiv

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the HMOP.No.1259 of 2022 on the file of the learned Family Court, Coimbatore and transfer the same to V Additional Family Court, Chennai and post along with M.C.No.415 of 2022.

For Petitioner : Mr.R.Sethuvarayar

For Respondent : Mr.S.Ambalavannan



Tr.CMP.No.888 of 2022

ORDER

WEB COPY

This transfer petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in HMOP.No.1259 of 2022 from the file of the learned Family Court, Coimbatore, to the file of the learned V Additional Family Court, Chennai.

2. According to the petitioner/wife, she is residing at Kodambakkam, Chennai and she is also having a school going child. Therefore, it is stated that it would not be convenient for the petitioner to undertake a travel to Coimbatore to attend the hearings before the Family Court at Coimbatore.

3. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand, the petitioner is residing at Kodambakkam, Chennai, within the territorial limits of V Additional Family Court, Chennai, and



Tr.CMP.No.888 of 2022

she is also having a school going child. The facts and circumstances and the balance of convenience requires the transfer of divorce petition in HMOP.No.1259 of 2022 filed by the respondent/husband to the learned V Additional Family Court, Chennai.

4. It is also stated that she already filed maintenance case in M.C.No.415 of 2022 on the file of the V Additional Family Court, Chennai and therefore, the respondent has to come to Chennai, to attend the maintenance case before the learned V Additional Family Court, Chennai. In these circumstances, taking into consideration, the convenience of the petitioner/wife, this Court is inclined to allow this petition.

5. Accordingly, the transfer petition is allowed by withdrawing HMOP.No.1259 of 2022 from the file of the learned Family Court, Coimbatore and transferring the same to the file of the learned V Additional Family Court, Chennai, for simultaneous hearing with



Tr.CMP.No.888 of 2022

M.C.No.415 of 2022. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

6. At this juncture, the learned counsel for the respondent made a request that the personal appearance of the respondent may be dispensed with before the V Additional Family Court, Chennai. It is always open to the respondent to file an appropriate application seeking dispense with of his personal appearance. If any such application is filed, the same shall be considered by the learned V Additional Family Court, Chennai, sympathetically and in accordance with law.

28.11.2022

Index : Yes / No
Internet : Yes / No
dna



WEB COPY

To

- 1.The Family Court, Coimbatore
- 2.The V Additional Family Court, Chennai



Tr.CMP.No.888 of 2022



WEB COPY



Tr.CMP.No.888 of 2022

S.SOUNTHAR , J.

dna

Tr.CMP.No.888 of 2022
and
CMP.No.15400 of 2022

28.11.2022