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Tr.C.M.P.No.882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.882 of 2022

and

C.M.P.No.15311 of 2022

R.Lavanya

... Petitioner

Vs.

J.Dinesh Kumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 read with 151 of the Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.3148 of 2022 on the file of the learned V-Additional Family Court, Chennai and transfer the same to the learned Sub Court, Thiruvarur.

For Petitioner : Mr.S.Vikram

For Respondent : Mr.M.Jayakumar

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.3148 of 2022 from the file of the V Additional Family Court, Chennai to the file of the Sub Court, Thiruvarur.

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



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learned counsel for the respondent.

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3. According to the petitioner/wife, she is residing at Thiruvarur along with her parents. She also averred that the distance between Thiruvarur and Chennai is 350 kms and as a lady, she finds it very difficult to undertake such a long travel to Chennai to attend each and every court hearings. Therefore, she filed this transfer petition with the aforesaid prayer.

4. The learned counsel for the respondent opposed the transfer petition on the ground that the petitioner is an Advocate practising at Thiruvarur and hence, the matter may be transferred to some other Court, nearby Thiruvarur.

5. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

6. In the case on hand, the petitioner/wife is residing at Thiruvarur along with her parents. She also averred that the distance between Thiruvarur and Chennai is 350 kms and as a lady, she finds it very difficult to undertake such a long travel to Chennai to attend each and every court hearings. It is also stated



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that the petitioner is a Junior Practising Advocate at Sub Court, Thiruvarur.

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7. By taking into consideration the convenience of the petitioner/wife and also reservation expressed by learned counsel for the respondent, this Court is inclined to order transfer to Sub Court, Nagapattinam.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.3148 of 2022 pending on the file of the V Additional Family Court, Chennai is withdrawn and transferred to the file of the Sub Court, Nagapattinam. No costs. Consequently, the connected civil miscellaneous petition is closed.

01.11.2022

Index : Yes/No
Speaking Order : Yes/No
dm

To

1.The V Additional Family Court,
Chennai.

2.The Sub Court, Nagapattinam.



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S.SOUNTHAR, J.
dm

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