



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP NO.855 OF 2021
AND C.M.P.NO.19356 OF 2021

Shanmathi

...Petitioner

Vs

S.Aravindan

...Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw H.M.O.P.No.221 of 2021 from the file of Family Court, Tiruchirapalli and transfer the same to the file of Principal Sub Court, Mayiladuthurai.

For Petitioner : M/s.H.Kavitha

For Respondent : Mr.T.Shanmugam

O R D E R

The petitioner/wife seeks transfer of H.M.O.P.No.221 of 2021 pending on the file of Family Court, Tiruchirapalli to Principal Sub Court, Mayiladuthurai.

2. The transfer is sought for solely on the ground convenience of the wife. The petitioner/wife is a resident of Mayiladuthurai and she will be required to appear in person for every hearing if the proceedings are conducted before the Family Court at Tiruchirapalli.

3. Mr.T.Shanmugam, learned counsel for the respondent/husband would submit that the respondent is working in Merchant Navy and he has authorized his father who is aged about 70 years to conduct the proceedings. It is also stated that the respondent's father is unwell and transfer of the proceedings to Mayiladuthurai would cause considerable inconvenience to the respondent husband.

4. The Hon'ble Supreme Court has repeatedly held that the convenience of wife must be given precedence in considering requests for transfer of matrimonial proceedings. The grievance of the wife is that since the proceedings are pending before



Family Court, Tiruchirapalli she will be required to appear in person for every hearing. The husband or the Power of Attorney of the husband will not be put to inconvenience if the proceedings are transferred, since the proceedings are sought to be transferred to a the Sub Court where appearance of parties, in person, for every hearing is not mandatory. However, considering the age of the father of the respondent/husband, who has been authorized to conduct the proceedings on behalf of the respondent, I am of the opinion that transfer to a neutral venue would be in the interest of the parties.

5. Accordingly, the Tr.CMP is allowed. H.M.O.P.No.221 of 2021 is withdrawn from the file of the Family Court, Tiruchirapalli and transferred to the file of the Sub Court, Kumbakonam to be disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

KST

To

1.The Judge,
Family Court,
Tiruchirapalli.

2.The Sub Judge,
Kumbakonam.

+1cc to M/s.T.Shanmugam, Advocate Sr.No.6352

TR.CMP No.855 of 2021
and CMP No.19356 of 2021

PL(CO)
RVM(17/02/2022)