



WEB COPY



TR.CMP.No.911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

TR.CMP.No.911 of 2022
and CMP.No.15639 of 2022

K.Logeshwari

... Petitioner

VS

D.Abavanan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the case in F.C.O.P.No.216 of 2020 pending on the file of Hon'ble Family Court, Chengalpattu and transfer said case to the Hon'ble Sub Court, Arni to try along with H.M.O.P.No.85 of 2020 on the file of Hon'ble Sub Court, Arni.

For Petitioner : Mr.N.Sivaprakash
For Respondent : No appearance

ORDER

The petitioner/wife has come up with this transfer Civil Miscellaneous Petition, seeking transfer of the petition for divorce filed by the



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respondent/husband in F.C.O.P.No.216 of 2020 from the file of Family Court, Chengalpattu, to the file of Subordinate Court, Arni for trial along with the petition for restitution of conjugal right filed by the petitioner /wife in H.M.O.P.No.85 of 2020.

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 Devikapuram within the territorial limits of Subordinate Court, Arni. She has filed the petition seeking restitution of conjugal right before the Subordinate Court, Arni. It is also stated that as a lady she finds it very difficult to undertake long travel to Chengalpattu, to attend the Court hearings.

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 Devikapuram within the territorial limits of Subordinate Court, Arni. Further, the petitioner had filed the petition for restitution of conjugal right in



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H.M.O.P.No.85 of 2020 before the Subordinate Court, Arni and the respondent had filed the petition for divorce in F.C.O.P.No.216 of 2020 before the Family Court, Chengalpattu. If these two proceedings initiated by them are allowed to go on separately, there is every likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, both the cases have to be clubbed together.

5. Accordingly, the transfer Civil Miscellaneous Petition is allowed by withdrawing the F.C.O.P.No.216 of 2020, from the file of the Family Court, Chengalpattu, and transferring the same to the file of Subordinate Court, Arni for joint trial, along with the petition for restitution of conjugal right filed by the petitioner in H.M.O.P.No.85 of 2020. 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 Family Court, Chengalpattu.
- 2.The Subordinate Court, Arni.

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