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Tr.C.M.P.No.889 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.889 of 2022

and

C.M.P.No.15405 of 2022

R.Gayathri

... Petitioner

Vs.

M.Rahul

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw H.M.O.P.No.3191 of 2022 from the file of the V Additional Family Court, Chennai and transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.A.Velmurugan

For Respondent : Mr.R.Harishankar

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.3191 of 2022 from the file of the V Additional Family Court, Chennai to the file of the Family Court, Coimbatore.

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 Ram Nagar, Coimbatore along with her parents. It is stated that the distance between Coimbatore and Chennai is 500 kms and as a lady, she finds it very difficult to undertake such a long travel to Coimbatore to attend each and every court hearings. It is specifically stated by her that she is working in BNY Mellon Technologies, Chennai and now, she is doing her work from her home. The petitioner/wife also filed domestic violence case in D.V.C.No.185 of 2022 and the same is pending before the Special Court to try cases under Domestic Violence Act at Coimbatore. 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 working at Chennai and she has given wrong address as if she is residing at Coimbatore.

5. The perusal of the typed-set of papers filed by the petitioner would suggest that as per Aadhar card of the petitioner, presently she is residing at Ram Nagar, Coimbatore. Further, in the petition for divorce filed by the



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respondent/husband in H.M.O.P.No.3191 of 2022 before the V Additional Family Court, Chennai, the respondent had given Coimbatore address for the petitioner. Therefore, the contention made by the learned counsel for the respondent is rejected.

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

7. In the case on hand, the petitioner/wife is residing at Ram Nagar, Coimbatore along with her parents. It is stated that the distance between Coimbatore and Chennai is 500 kms and as a lady, she finds it very difficult to undertake such a long travel to Coimbatore to attend each and every court hearings. It is specifically stated by her that she is working in BNY Mellon Technologies, Chennai and now, she is doing her work from her home. The petitioner/wife also filed domestic violence case in D.V.C.No.185 of 2022 and the same is pending before the Special Court to try cases under Domestic Violence Act at Coimbatore. Therefore, the respondent/husband has to travel to Coimbatore to defend the domestic violence case filed by the petitioner/wife.

8. Therefore, by taking into consideration the convenience of the



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petitioner/wife, this Court is inclined to order the above transfer petition as prayed for.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the petition for divorce filed by the respondent/husband in H.M.O.P.No.3191 of 2022 pending on the file of the V Additional Family Court, Chennai is withdrawn and transferred to the file of the Family Court, Coimbatore. No costs. Consequently, the connected civil miscellaneous petition is closed.

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



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To

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



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S.SOUNTHAR, J.
dm

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