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Tr.C.M.P.No.921 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.921 of 2022

and

C.M.P.No.15812 of 2022

Ammukkutti @ Immakulat Rosalin

... Petitioner

Vs.

Karthik @ Clemenraj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw and transfer I.D.O.P.No.29 of 2022 on the file of Principal District Court, Namakkal to the file of Family Court, Salem.

For Petitioner : Mr.G.K.Sekar

For Respondent : Mr.C.P.Goutham
for Mr.V.Vijayashankar

ORDER

The petitioner/wife seeks transfer of petition for restitution of conjugal rights filed by the respondent/husband in I.D.O.P.No.29 of 2022 from the file of the Principal District Court, Namakkal to the file of the Family Court, Salem.

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 Suramangalam within the territorial limits of Family Court, Salem along with her parents. She also averred that as a lady, she finds it very difficult to undertake travel to Namakkal to attend each and every hearing at Principal District Court, Namakkal. Therefore, she filed this transfer petition for the aforesaid prayer.

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

5. In the case on hand, the petitioner/wife is residing at Suramangalam within the territorial limits of Family Court, Salem. As a lady, she has got difficulty in undertaking travel to Namakkal to attend each and every hearing at Principal District Court, Namakkal. It is also submitted that the respondent/husband is working at Chennai.

6. Taking into consideration the convenience of the petitioner/wife, this Court is inclined to order the above transfer petition as prayed for.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The



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petition for restitution of conjugal rights filed by the respondent/husband in

I.D.O.P.No.29 of 2022 pending on the file of the Principal District Court,

Namakkal is withdrawn and transferred to the file of the Family Court, Salem.

No costs. Consequently, connected civil miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

dm

To

1.The Principal District Court, Namakkal.

2.The Family Court, Salem.



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S.SOUNTHAR, J.
dm

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