



Tr.C.M.P.No.920 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.920 of 2022

and

C.M.P.No.15786 of 2022

M.Chaitra

... Petitioner

Vs.

P.Prem Kumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.275 of 2022 pending on the file of Sub-Court at Thiruvottiyur and transfer the same to the file of VI Additional Family Court at Chennai to hear and to try jointly along with O.P.No.3854 of 2022 pending on the file of the VI Additional Family Court at Chennai.

For Petitioner : Mr.S.Sathish Rajan

For Respondent : Mr.G.Palani



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ORDER

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The petitioner/wife seeks transfer of petition for divorce filed by the respondent/husband in H.M.O.P.No.275 of 2022 from the file of the Sub-Court, Thiruvottiyur to the file of the VI Additional Family Court, Chennai for joint hearing along with her petition for restitution of conjugal rights in O.P.No.3854 of 2022.

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

3. According to the petitioner, she is residing at Vetri Nagar, Chennai – 600 082 within the territorial limits of Family Court, Chennai along with her parents and she is having one year old child. In her affidavit, she expressed her difficulty to undertake travel to Sub-Court, Thiruvottiyur along with her one year child to attend each and every court hearing. Therefore, she filed this transfer petition for the aforesaid prayer.

4. The learned counsel for the respondent oppose the transfer petition on the ground that distance between the Sub-Court, Thiruvottiyur and the VI Additional Family Court, Chennai, are one and the same.



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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, petitioner/wife is residing at Vetri Nagar, Chennai within the territorial limits of VI Additional Family Court, Chennai along with her parents and she is having one year old child. Further, the petition for restitution of conjugal rights filed by wife in O.P.No.3854 of 2022 is pending before the VI Additional Family Court, Chennai and the petition for divorce filed by husband in H.M.O.P.No.275 of 2022 is pending before the Sub-Court, Thiruvottiyur. If these two petitions filed by the petitioner/wife and the respondent/husband are allowed to go on before two different courts, there will be every likelihood of conflict of judicial verdicts. Therefore, in the interest of justice, both these petitions have to be tried together.

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

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and



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the petition for divorce filed by the respondent/husband in H.M.O.P.No.275 of 2022 pending on the file of the Sub-Court, Thiruvottiyur is withdrawn and transferred to the file of the VI Additional Family Court, Chennai for joint trial along with the petition for restitution of conjugal rights filed by the petitioner/wife in O.P.No.3854 of 2022. No costs. Consequently, connected civil miscellaneous petition is closed.

11.10.2022

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



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To

1.The Sub-Court, Thiruvottiyur.

2.The VI Additional Family Court, Chennai.



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S.SOUNTHAR, J.
dm

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