



Tr.C.M.P.No.926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.926 of 2022

and

C.M.P.No.15931 of 2022

Sowmya

... Petitioner

vs.

Arunmozhi Varman

... 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.85 of 2022 pending on the file of the Sub Court, Thiruvavarur and transfer the same to the Family Court, Salem to be tried along with the H.M.O.P.No.327 of 2022 pending on the file of the Family Court, Salem.

For Petitioner : Mr.M.Padmarajagopalan

For Respondent : Mr.G.Saravanabhavan

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition filed by the respondent/husband seeking a declaration that the marriage held on 25.02.2021 between petitioner and respondent as null and void in H.M.O.P.No.85 of 2022 from the file of the Sub Court, Thiruvavarur to the file of the Family Court, Salem.



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

3. According to the petitioner/wife, she is residing at Jaheer Kamanayakkanpatti, Salem along with her aged parents. She has also filed a petition for divorce against the respondent in H.M.O.P.No.327 of 2022 and the same is pending before the Family Court, Salem. It is also averred that the distance between Salem and Thiruvavur is 245 kms and as a lady, she finds it very difficult to undertake such a long travel to Thiruvavur to attend each and every court hearings. Therefore, she filed this transfer petition with 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 Jaheer Kamanayakkanpatti, Salem along with her aged parents. It is also averred that the distance between Salem and Thiruvavur is 245 kms and as a lady, she finds it very difficult to undertake such a long travel to Thiruvavur to attend each and



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every court hearings. Apart from that, in the case on hand, both the petitioner and respondent filed two separate petitions for divorce before two different courts. If these petitions are allowed to go on before two different courts, there is a likelihood of conflict of judicial verdicts. Therefore, in the interest of justice both the petitions have to be tried together.

6. By taking into consideration the convenience of the petitioner/wife and also the interest of justice, this Court is inclined to order the above transfer petition as prayed for.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.85 of 2022 pending on the file of the Sub Court, Thiruvarur is withdrawn and transferred to the file of the Family Court, Salem for joint trial along with H.M.O.P.No.327 of 2022. 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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S.SOUNTHAR, J.
dm

To

- 1.The Sub Court, Thiruvarur.
- 2.The Family Court, Salem.

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