



Tr.CMP.No.925 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.925 of 2022

and

CMP.No.15887 of 2022

Sumaiya Nasreen
Petitioner

...

Vs.

Mohamed Azharudeen

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the O.S.No.39 of 2022 pending on the file of the learned Family Court, Pondicherry and to transfer the same to the learned Sub-Court, Vaniyambadi, Tirupathur District.

For Petitioner : Mr.G.Vinodhkumar



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For Respondent : Mr.S.C.Vishwanth

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ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of suit filed by the respondent/husband praying restitution of conjugal rights in O.S.No.39 of 2022 from the file of the Family Court, Pondicherry to the file of the Sub-Court, Vaniyambadi, Tirupathur District.

2. According to the petitioner/wife, she is residing at Muslimpur, Vaniyampadi and she is having one year child. Therefore, it is stated that it would not be convenient for the petitioner to undertake a travel to Pondicherry to attend the hearing before the Family Court, Pondicherry.

3. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In case on hand, the petitioner is residing at Muslimpur, Vaniyambadi,



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within the territorial limits of Sub-Court, Vaniyambadi, and she is also having one year child. The facts and circumstances and balance of convenience requires the transfer of O.S.No.39 of 2022 suit filed by the respondent/husband to the learned Sub-Court, Vaniyambadi.

4. Accordingly, the transfer petition is allowed by withdrawing O.S.No.39 of 2022 from the file of the learned Family Court, Pondicherry and transferring the same to the file of the learned Sub-Court, Vaniyambadi, Tirupathur District. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Family Court, Pondicherry.
- 2.The Sub-Court, Vaniyambadi.

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S.SOUNTHAR, J.

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