



Tr.CMP.No.933 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

TR.CMP.No.933 of 2022

and

C.M.P.No.15995 of 2022

R.Prakash

... Petitioner

(represented by his power agent Tmt.K.Chitra)

Vs.

J.Rajarajeshwari

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition under Section 24 of Civil Procedure Code to withdraw the above H.M.O.P.No.480 of 2020 pending on the file of the learned Subordinate Judge, Tambaram and transfer the same to the learned Sub Court at Kulithalai.

For Petitioner : M/s.N.Palanisamy

For Respondent : M/s.G.Vijayakumar

ORDER

This transfer petition has been filed seeking transfer of petition for restitution of conjugal rights filed by respondent/wife before the Sub Court, Tambaram to the Sub Court, Kulithalai.



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2. According to the petitioner/husband, he is at present working at U.S.A., and he has given power of attorney to his sister namely Mrs.K.Chitra residing at Kulithalai. It is stated that she is aged about 50 years and she finds it very difficult to undertake long travel to Tambaram to attend Court hearings.

3. The respondent herein filed a counter opposing the transfer. In the preamble portion of the counter affidavit, the respondent admitted that she is at present residing at Vengikkal, Tiruvannamalai.

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

5. As per the affidavit filed by the respondent at present the respondent/wife is residing at Tiruvannamalai, and the counsel for the petitioner has no objection for transferring the petition to the Sub Court, Tiruvannamalai and the same is recorded. By taking into consideration of convenience of wife and also no objection said by the petitioner, this Court is inclined to order the transfer petition as indicated below.

6. This Transfer Civil Miscellaneous petition is allowed. The petition filed in



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H.M.O.P.No.480 of 2020 on the file of Subordinate Court, Tambaram is withdrawn and transferred to the Sub Court, Tiruvannamalai. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

02.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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To

- 1.The Subordinate Court,
Tambaram.
- 2.The Sub Court,
Tiruvannamalai.

S.SOUNTHAR, J.

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