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Tr.C.M.P.No.935 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.935 of 2022

and

C.M.P.No.16026 of 2022

D.Jagadeeswari

... Petitioner

Vs.

Selvavinayagam

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw the case, H.M.O.P.No.53 of 2022 on the file of the Subordinate Court, Ulundurpet and transfer to the Family Court, Villupuram.

For Petitioner : Ms.M.Sudha

For Respondent : No Appearance

ORDER

The petitioner/wife seeks transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.53 of 2022 from the file of the Subordinate Court, Ulundurpet to the file of the Family Court, Villupuram.

2. Though notice was served on the respondent and his name appears in



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the cause-list, there is no representation for the respondent.

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3. According to the petitioner/wife, she is now working as Veterinary Assistant Surgeon, Veterinary Dispensary in Serndanur, Villupuram Taluk, within the territorial limits of Family Court, Villupuram. It was also averred that the respondent/husband is doing carpentry work in and around at Villupuram and therefore, if the petition filed by the respondent/husband pending before the Subordinate Court, Ulundurpet is transferred to Family Court, Villupuram, it will be convenient for both of them. Therefore, she filed this transfer petition with 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 working as Veterinary Assistant Surgeon, Veterinary Dispensary in Serndanur, Villupuram Taluk, within the territorial limits of Family Court, Villupuram and she expressed her difficulty in undertaking travel to Ulundurpet to attend each and every Court hearing. It is also averred in the affidavit filed in support of the petition for transfer that the respondent/husband is doing carpentry work in and around at



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Villupuram.

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6. Taking into consideration of 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 and H.M.O.P.No.53 of 2022 filed by the respondent pending on the file of the Subordinate Court, Ulundurpet is withdrawn and transferred to the file of the Family Court, Villupuram. No costs. Consequently, connected civil miscellaneous petition is closed.

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

To

1.The Subordinate Court, Ulundurpet.

2.The Family Court, Villupuram.



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S.SOUNTHAR, J.

dm

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