



Tr.C.M.P.No.940 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

TR.C.M.P.No.940 of 2022

and

C.M.P.No.16118 of 2022

Sreerangam

... Petitioner

Vs.

G.Raju

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.312 of 2021 pending on the file of the Family Court, Madurai and transfer the same to the Family Court, Chennai.

For Petitioner : M/s.S.Ambalavannan

For Respondent : M/s.T.Jaishankar

ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petitioner for divorce filed by the respondent/husband from the Family Court, Madurai to the Family Court, Chennai.

2. According to the petitioner/wife, she is residing at Chennai and she is



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aged about 81 years and she is suffering from lot of age related medical ailments. It is also stated that she is mostly bedridden and she is not in a position to walk without support. Stating her difficulty in undertaking long travel to Madurai to attend the Family Court hearings, the petitioner/wife has come up with this transfer petition.

3. The respondent filed a counter wherein he had given a temporary address at Door No.5B/15, DABC (Orchid) Polachery, Melaikottayur Post, Chennai- 600 127. From the counter affidavit filed by the respondent, it is clear that presently he is residing at Melaikottayur near Chennai. The respondent objected the transfer petition on the ground that earlier petitioner/wife filed a petition seeking divorce in H.M.O.P.No.244 of 2015 on the file of the II Additional Sub Court, Thirumangalam, Madurai District and the same came to be dismissed.

4. The learned counsel for the respondent vehemently opposed the transfer petition on the ground that the dismissal of the earlier petition filed by the petitioner/wife had not been revealed in her affidavit. Therefore, present request for transfer need not be considered.



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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 Chennai and she is aged about 81 years old. She also stated that she finds it very difficult to undertake long travel to Madurai to attend the Family Court hearings.

7. In view of the difficulty expressed by the petitioner in undertaking long travel to Madurai to attend the Family Court hearings and by virtue of her age and the respondent is also presently residing at Melaikottayur near Chennai, by taking into consideration the convenience of the both the parties, this Court is inclined to order the above transfer petition.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.312 of 2021 on the file of the Family Court, Madurai is withdrawn and transferred to the Family Court, Chennai.

9. The learned counsel for the respondent made a request to this Court to fix a time limit for disposal of the divorce petition filed by the respondent. By taking



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S.SOUNTHAR, J.

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into consideration the advanced age of the parties and the divorce petition is of the year 2021, this Court is inclined to issue a direction to the Court below to dispose of the main O.P., within a period of nine (9) months from the date of receipt of copy of this order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.11.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

1. The Family Court,
Madurai.

2. The Family Court,
Chennai.

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