



Tr.C.M.P.No.957 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.957 of 2022

and

C.M.P.No.16430 of 2022

Kavya

... Petitioner

Vs.

S.Anandraj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw the OP No.13 of 2022 on the file of the learned Family Court, Dharmapuri and transfer the same to the file of learned Family Court Judge, Salem.

For Petitioner : Mr.N.Udayakumar

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.233 of 2022, from the file of the Family Court, Dharmapuri and transfer the same to the file of the Family Court, Salem.



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

list, there is no representation for the respondent.

3. According to the petitioner/wife, she is residing along with her parents at No.403/1, Near Sumbandam Spinning Mills, Kamaraj Nagar Colony, Salem. She is having a child aged about two years and consequently, she finds it difficult to undertake travel to Dharmapuri to attend the Family Court hearings.

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 with her parents at No.403/1, Near Sumbandam Spinning Mills, Kamaraj Nagar Colony, Salem within the territorial limits of Family Court, Salem. She is also having a child aged about two years and consequently, she finds difficulty to undertake travel to Dharmapuri to attend the Family Court hearings.

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



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7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition for restitution of conjugal rights filed by the respondent/husband in H.M.O.P.No.13 of 2022, on the file of the Family Court, Dharmapuri is withdrawn and the same is transferred to the file of the Family Court, Salem. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.11.2022

Index : Yes/No
Speaking Order : Yes/No
rgm

To

1. The Family Court,
Dharmapuri.
2. The Family Court,
Salem.



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S.SOUNTHAR, J.
rgm

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