



WEB COPY



Tr.C.M.P.No.961 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.961 of 2022

and

C.M.P.No.16537 of 2022

Ilampermathi Tamizhmahal

... Petitioner

vs.

G.Lenin

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 (I)(b)(II) of the Civil Procedure Code, praying to withdraw the O.P.No.3275 of 2022 from the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Pondicherry.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.I.Abdul Basith

ORDER

The 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 O.P.No.3275 of 2022 pending on the file of the III Additional Family Court, Chennai to the file of the Family Court, Pondicherry.

2. Heard the arguments of the learned counsel for the petitioner and the



Tr.C.M.P.No.961 of 2022

learned counsel for the respondent.

WEB COPY

3. According to the petitioner/wife, she is residing at Lawspet, Puducherry along with her aged parents and she expressed her difficulty in undertaking long travel to Chennai to attend each and every court hearings. Therefore, she filed this transfer petition with the aforesaid prayer.

4. The learned counsel for the respondent opposed the transfer petition on the ground that the petitioner and her parents are local persons of Puducherry and the respondent may not have physical safety while attending court hearings at Puducherry. It is always open to the respondent to file appropriate application before the Family Court, Puducherry, in case, if he finds any security issues.

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, the petitioner/wife is residing at Lawspet, Puducherry along with her aged parents and as a lady, she finds it very difficult to undertake long travel to Chennai to attend each and every court hearings.



Tr.C.M.P.No.961 of 2022

WEB COPY

7. Therefore, by taking into consideration the convenience of the petitioner/wife, this Court is inclined to order the above transfer petition as prayed for.

8. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.3275 of 2022 pending on the file of the III Additional Family Court, Chennai is withdrawn and transferred to the file of the Family Court, Pondicherry. No costs. Consequently, the connected civil miscellaneous petition is closed.

30.11.2022

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

To

1.The III Additional Family Court,
Chennai.

2.The Family Court, Pondicherry.



WEB COPY



Tr.C.M.P.No.961 of 2022

S.SOUNTHAR, J.
dm

Tr.C.M.P.No.961 of 2022

30.11.2022