



Tr.CMP.Nos.978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.SOUNTHAR**

Tr.CMP.No.978 of 2022

and

C.M.P.No.16787 of 2022

S.Thiruveni

... Petitioner

Versus

N.Prakash

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer the H.M.O.P.No.1315 of 2022, pending before the learned Family Court, Coimbatore, Coimbatore District and transfer the same to the Family Court, Karur, Karur District.

For Petitioner : Mr.M.Bindran

For Respondent : M/s.Mary of Magthelen

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent-husband in H.M.O.P.No.1315 of 2022 from the file of the Family Court, Coimbatore to the



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Family Court, Karur.

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2. According to the petitioner/wife, she is residing at Thanthonimalai, Karur and she is having 5 years old female child. She also expressed her difficulty in undertaking long travel to Coimbatore to attend Court hearings.

3. The learned counsel for the respondent opposed the transfer petition on the ground that the petitioner filed her Tr.C.M.P just to harass the respondent and there is no bonafide in her claim seeking transfer.

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

5. In the case on hand, the petitioner is residing at Thanthonimalai, Karur within the territorial limits of Family Court, Karur. Admittedly, she is having 5 years old female child. She had also expressed difficulty to undertake travel and attend each and every Court hearings at Coimbatore.



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6.The learned counsel for the petitioner as well as the learned counsel for the respondent requested the Court that the matter may be transferred to the Sub Court, Karur, so that they can engage a counsel and conduct the case.

7.By taking into consideration the convenience of the petitioner/wife, this Court is inclined to order the Tr.C.M.P. Petition. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition filed in H.M.O.P.No.1315 of 2022 pending on the file of the Family Court, Coimbatore is withdrawn and transferred to the Sub Court, Karur. Consequently, the connected C.M.P.No.16787 of 2022 is closed. No costs.

20.10.2022

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Index : Yes / No

Speaking Order : Yes / No

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To

1. The Family Court, Coimbatore.

2. The Sub Court, Karur.

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