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Tr.CMP.No.1078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.1078 of 2022

and

CMP.No.18517 of 2022

M.Punithavathy

... Petitioner

Vs.

K.Kumaresan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the petition in FCOP.No.136 of 2022 pending on the file of the learned Family Court, Vellore, Vellore District and transfer to the learned Sub-Court, Poonamallee, Thiruvallur District.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.E.Kannadasan



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ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petition for divorce filed by the respondent/husband in FCOP.No.136 of 2022 from the file of the learned Family Court, Vellore, Vellore District, to the file of the learned Sub-Court, Poonamallee, Thiruvallur District.

2. According to the petitioner/wife, she is residing at Porur along with her parents and she has no source of income and she is travelling from Poonamallee, Thiruvallur District to Vellore District, for each and every hearing. Therefore, it is stated that it would not be convenient for the petitioner to undertake travel to Vellore to attend each and every hearing before the Family Court, Vellore, Vellore District.



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3. It is settled law that, in a case involving matrimonial disputes, the convenience of the wife should be given preference. In the case on hand, the petitioner is residing at Porur, within the territorial limit of Sub-Court, Poonamallee, Thiruvallur District and she has expressed her difficulty in travelling from Poonamallee, Thiruvallur District to Vellore District. The facts and circumstances and the balance of convenience requires the transfer of divorce petition in FCOP.No.136 of 2022, filed by the respondent/husband to the Sub-Court, Poonamallee, Thiruvallur District.

4. It is also stated that the petitioner's father is a security working at Porur and he may not be in a position to accompany her, while travelling, and thus, she has expressed her difficulty in travelling from Poonamallee, Thiruvallur District to Vellore, for each and every hearing before the Family Court, Vellore, Vellore District.



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S.SOUNTHAR , J.

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5. Accordingly, by taking into consideration the convenience of wife, the transfer petition is allowed. The FCOP.No.136 of 2022 is withdrawn and transferred from the file of the Family Court, Vellore, Vellore District, to the file of the Sub-Court, Poonamallee, Thiruvallur District. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

02.12.2022

Index : Yes / No

Internet : Yes / No

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To

- 1.The Family Court, Vellore, Vellore District.
- 2.The Sub-Court, Poonamallee, Thiruvallur District.

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