



Tr.C.M.P.No.249 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 01.09.2023

C O R A M

**THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN**

**TR C.M.P.No.249 of 2023and**  
**C.M.P.No.5436 of 2023**

Mrs.Keerthana

... Petitioner

Vs.

Mr.V.Viknesh

... Respondent

**PRAYER:** This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.31 of 2023 from the file of the Family Judge, Puducherry and to transfer the same to the file of the Family Court, Chennai for trial and disposal.

For Petitioner : Mr.S.Mahesh Kumar

For Respondent : Mr.P.Veeraraghavan

**ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer the proceedings in H.M.O.P.No.31 of 2023 from the file of the Family Judge, Puducherry to the file of the Family Court, Chennai.



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WEB COPY 2. The case of the petitioner is that she got married with the respondent on 03.06.2022 at Puducherry. It is the further case of the petitioner that she has been threatened by the respondent/husband and his family members and was subjected to domestic violence. The respondent/husband has filed a petition for restitution of conjugal rights before the Family Judge, Puducherry in H.M.O.P.No.31 of 2023. The petitioner is residing along with her mother in Chennai. As a lady, the petitioner finds it difficult to undertake long travel to Puducherry to attend the Court proceedings. Hence, the petitioner has filed this TR.C.M.P.No.249 of 2023 to withdraw and transfer H.M.O.P.No.31 of 2023 from the file of the Family Judge, Puducherry to the file of the Family Court, Chennai.

3. The learned counsel for the petitioner/wife submitted that the petitioner has filed a petition for divorce in H.M.O.P.No.348 of 2023 before the Sub-Court, Alandur. Now, the petitioner is residing at Chennai along with her mother. The learned counsel further submitted that the petitioner being a lady finds it very difficult to undertake long travel to Puducherry, which is 150 kilometers away from her residence. Also, he submitted that



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from the file of the Family Judge, Puducherry to the file of the Family Court, Chennai, now the petitioner seeks transfer of H.M.O.P.No.31 of 2023 to the file of Sub-Ordinate Court, Alandur.

4. The learned counsel for the respondent/husband has not made any serious objection to transfer the H.M.O.P.No.31 of 2023 pending on the file of the Family Judge, Puducherry to the file of Sub-Ordinate Court, Alandur.

5. Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record. It is well settled law that whenever, the transfer application is filed in matrimonial dispute, the convenience of the wife shall be given preference.

6. In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case, this Court is inclined to withdraw the H.M.O.P.No.31 of 2023 from the file of the Family Judge, Puducherry and transfer the same to the file of the Sub-ordinate Court, Alandur.



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**V.BHAVANI SUBBAROYAN, J.**

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7. In the result, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**01.09.2023**

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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To

- 1.The Family Judge, Puducherry.
2. The Sub-Ordinate Court, Alandur.

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**and**

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