



WEB COPY



Tr.C.M.P.No.419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P.No.419 of 2023

and

C.M.P.No.9446 of 2023

Bhuvaneswari

... Petitioner

Vs.

E.Seshanarayanan

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.371 of 2022 pending on the file of the learned Subordinate Judge, Alandur and transfer the same to the file of Family Court, Coimbatore to be tried along with H.M.O.P.No.254 of 2023.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.R.Banu Venkatesh



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer the proceedings in H.M.O.P.No.371 of 2022 from the file of the Subordinate Court, Alandur to the file of the Family Court, Coimbatore, to be tried along with H.M.O.P.No.254 of 2023, which was filed by the petitioner.

2. The case of the petitioner is that she got married with the respondent on 08.02.2021 at Coimbatore. The petitioner was forcefully sent out of the matrimonial home by the respondent during November 2021 and from then on, the petitioner is staying along with her parents at Coimbatore. The respondent has filed a petition for divorce before the Subordinate Court, Alandur in H.M.O.P.No.371 of 2022, which is 600 kilometer away from her residence. As a lady, the petitioner finds it difficult to undertake long travel to Alandur to attend the Court proceedings. The petitioner has also filed restitution of conjugal rights in H.M.O.P.No.254 of 2023 on the file of the Family Court, Coimbatore. Hence the petitioner has filed this TR.C.M.P.No.419 of 2023 to withdraw and transfer H.M.O.P.No.371 of 2022 on the file of the Subordinate Court, Alandur to the file of Family Court, Coimbatore to be tried along with H.M.O.P.NO.254 of 2023.



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3. The learned counsel for the petitioner/wife submitted that now the petitioner is residing at Coimbatore along with parents. The learned counsel further submitted that the petitioner being a lady finds it very difficult to undertake long travel to Alandur, which is 600 kilometers away from her residence. Hence, he prays to transfer the H.M.O.P.No.371 of 2022, pending on the file of the Subordinate Court, Alandur to the file of the Family Court, Coimbatore, to be tried along with H.M.O.P.No.254 of 2023.

4. The learned counsel for the respondent/husband has not made any serious objection to transfer the H.M.O.P.No.371 of 2022 pending on the file of the Subordinate Court, Alandur to the file of the Family Court, Coimbatore, to be tried along with H.M.O.P.No.254 of 2023.

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



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V.BHAVANI SUBBAROYAN, J.

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the case, this Court is inclined to withdraw the H.M.O.P.No.371 of 2022 from the file of the Subordinate Court, Alandur and transfer to the file of the Family Court, Coimbatore for joint trial along with H.M.O.P.No.254 of 2023 filed by the petitioner.

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

24.07.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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To

- 1.The Subordinate Court, Alandur.
2. The Family Court,Coimbatore.

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