



Tr.C.M.P.No.491 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

C O R A M

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

TR C.M.P. No.491 of 2023
and C.M.P.No.11792 of 2023

R.B.Saranyashree

... Petitioner

Vs.

A.Dinesh

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P.No.746 of 2023 pending on the file of the Additional Judge, Family Court at Coimbatore and transfer the same to the file of the Sub Court, Alandur.

For Petitioner : Mr.G.Govarthanan

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw H.M.O.P.No.746 of 2023 pending on the file of the Additional Judge, Family Court at Coimbatore and transfer the same to the file of the Sub Court, Alandur.

2. The case of the petitioner is that she got married with the respondent on 09.06.2022 at Shri Ramalinga Sowdeshwari Thirumana



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Mahal, R.S.Puram, Coimbatore as per Hindu Rites and Customs and they started the matrimonial life at the respondent's residence. Due to the constant physical and mental cruelty caused by the respondent and his mother, the petitioner was constrained to file a petition seeking divorce in H.M.O.P.SR.No.2862 of 2023 before the Sub Court, Alandur. The respondent has filed a petition for restitution of conjugal rights before the learned Additional Judge, Family Court, Coimbatore in H.M.O.P.No.746 of 2023, which is 600 kilometer away from petitioner's residence. As a lady, the petitioner finds it difficult to undertake long travel to Coimbatore to attend the Court proceedings. Hence the petitioner has filed this TR.C.M.P.No.491 of 2023.

3. The learned counsel for the petitioner/wife submitted that now the petitioner is residing at Chennai along with parents. The learned counsel further submitted that the petitioner being a lady finds it very difficult to undertake long travel to Coimbatore, which is 600 kilometers away from her residence. Hence, he prays to transfer the H.M.O.P.No.746 of 2023, pending on the file of the learned Additional Judge, Family Court, Coimbatore to the Sub Court, Alandur.



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4. Heard the learned counsel for the petitioner and 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.

5. 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.746 of 2023 from the file of the learned Additional Judge, Family Court, Coimbatore and transfer to the file of the Sub Court, Alandur.

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

10.08.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

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V.BHAVANI SUBBAROYAN, J.
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To

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

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