



WEB COPY



Tr.CMP.No. 541 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 541 of 2023

and

C.M.P. No. 12800 of 2023

N. Sahana

.. Petitioner

Versus

R. Rishal Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 1600 of 2023 pending on the file of the First Additional Family Court, Chennai and to transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr. A. Kumanaraja

ORDER

This petition is filed to withdraw H.M.O.P. No. 1600 of 2023 from the file of First Additional Family Court, Chennai, and to transfer the same to the Family Court, Coimbatore. The petitioner is the wife. The marriage between the petitioner/wife and respondent/husband was solemnized on 04.09.2019. The



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respondent/husband filed a petition for divorce in H.M.O.P. No. 1600 of 2023

on the file of First Additional Family Court, Chennai, under Section 13(1) (i-a) of the Hindu Marriage Act. It is stated by the learned counsel for the petitioner that the petitioner is not working anywhere and residing at Coimbatore, with her 3 year old child and therefore, she cannot travel from Coimbatore to Chennai.

2. The learned counsel for the petitioner submitted that the petitioner who has no support from her family, is unable to attend the hearings of the case along with her minor female child. Since the distance from Coimbatore to Chennai is more than 500 Kms, the petitioner seeks withdrawal and transfer the case from the file of First Additional Family Court, Chennai to the Family Court, Coimbatore, mainly on the ground of convenience of the petitioner/wife.

3. In a petition filed by the husband for divorce, the convenience of wife is relevant. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is fully convinced that the petitioner should not be put to much inconvenience by traveling such a long distance. Hence, this Court is inclined to allow this petition. Accordingly, H.M.O.P. No. 1600 of 2023 pending on the file of the First Additional Family Court, Chennai, is hereby withdrawn and transfer the same to the Family Court, Coimbatore.



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4. This Transfer Civil Miscellaneous Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM

To

1. The First Additional Family Court, Chennai.

2. The Family Court, Coimbatore.



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V.BHAVANI SUBBAROYAN, J.

MSM

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