



Tr.C.M.P.No.638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.638 of 2023

and

C.M.P.No.15928 of 2023

D. Beudlinkiruba

... Petitioner

Vs.

G. Jahathisan

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw the O.P.No.1149 of 2023 pending on the file of VII Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Nagercoil, Camp at Padmanabhapuram and pass orders.

For Petitioner : Mr. P. Venkatraman

For Respondent : Mr.P. Sukumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the O.P.No.1149 of 2023 pending on the file of VII Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Nagercoil, Camp at Padmanabhapuram and pass orders.



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2. The case of the petitioner is that she married the respondent on 25.04.2016 at Sri Arulmigu Balasubramania Swami Thirukovil at Teynampet, Chennai.. The grievance of the petitioner is that the respondent always used filthy language against the petitioner and used to ill treat her and threatened her with dire consequences. Thereafter, the petitioner was driven from her matrimonial home to parental home. The respondent had filed a divorce petition in O.P.No.1149 of 2023 on the file of the VII Additional Family Court, Chennai. Hence, the petitioner has come forward with this present petition to withdraw the above H.M.O.P and transfer the same to the file of the file of Family Court, Nagercoil, Camp at Padmanabhapuram

3.The learned counsel for the petitioner submitted that now the petitioner is residing along with her father in Moolachel, Kanniyakumari District and she is unable to travel to Chennai to attend the Court proceedings, because of this, she is facing physical as well as financial issues. Hence, she seeks to withdraw O.P.No.1149 of 2023 on the file of VII Additional Principal Judge, Family Court, Chennai and transfer the same to the file of Family Court, Nagercoil, Camp at Padmanabhapuram. If the case is transferred, no



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prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband.

4. The learned counsel for the respondent objected to transfer the case to Family Court, Nagercoil, Camp at Padmanabhapuram. He further submitted that the respondent is facing life threat to attend the Court proceedings in Family Court, Nagercoil, Camp at Padmanabhapuram.

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 O.P.No.1149 of 2023 on the file of VII Additional Principal Judge, Family Court, Chennai and transfer the same to the file of Family Court, Nagercoil, Camp at Padmanabhapuram. However, the respondent is at liberty to seek police protection for attending the Court proceedings at Family Court, Nagercoil, Camp at Padmanabhapuram as and when necessary.



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7. In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

14.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

smn

To

1. The VII Additional Principal Judge, Family Court, Chennai

2. The Family Court, Nagercoil, Camp at Padmanabhapuram



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V.BHAVANI SUBBAROYAN., J.

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