



WEB COPY



Tr.C.M.P.No.805 of 2023 &
C.M.P.No.19395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**Tr.C.M.P.No.805 of 2023 &
C.M.P.No.19395 of 2023**

M.Padhmani ... Petitioner

Vs.

A.Vinoth ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.80 of 2023 on the file of learned Sub Court, Mettupalayam and transfer the same to the file of learned V Additional Family Court, Chennai to be tried along with M.C.No.259 of 2020

For Petitioner : Mr.S.Kartik

For Respondent : Mr.G.Arivarasan

ORDER

The present petition has been filed to withdraw H.M.O.P.No.80 of 2023 on the file of learned Sub Court, Mettupalayam and transfer the same to the file of learned V Additional Family Court, Chennai to be tried along with M.C.No.259 of 2020.



Tr.C.M.P.No.805 of 2023 &
C.M.P.No.19395 of 2023

WEB COPY

2. According to the petitioner, she is the wife and the respondent is the husband and their marriage was solemnised on 06.05.2011, as per Hindu Rites and Customs. On account of a matrimonial dispute, the respondent / husband has filed a petition for divorce before the Sub Court, Mettupalayam. The petitioner has filed M.C.No.259 of 2020 before the learned V Additional Family Court, Chennai claiming maintenance. Now, as the petitioner is finding it difficult to attend the court hearings at Mettupalayam, the petitioner has come up with this petition.

3. The learned counsel for the petitioner would submit that the petitioner is residing at her parents house and the child is studying VII standard at Chennai. . Further, the petitioner's father is a retired staff and at present, he is bed ridden due to paralytic stroke on left side and the petitioner has to take care of all house old chors.

4. The learned counsel for the petitioner also submits that the petitioner will not be in a position to attend the court regularly as it will take minimum not less than 9 hours for onward journey covering a distance of about 500 Kms from Chennai to Mettupalayam, therefore seeks to allow the present petition.



Tr.C.M.P.No.805 of 2023 &
C.M.P.No.19395 of 2023

WEB COPY

5. The learned counsel for the respondent reiterated the averments stated in the H.M.O.P.No.80 of 2023 and seeks to dismiss the petition.

6. Heard the learned counsel on either sides and perused the documents placed on record.

7. Considering the facts and circumstances of the case and taking note of the fact that the Hon'ble Supreme Court while hearing a transfer petition concerning matrimonial dispute had held that "convenience of wife in matrimonial disputes is paramount as per established jurisprudence of the court", this Court is inclined to allow the present Petition.

Accordingly, the present Revision is allowed and the H.M.O.P.No.80 of 2023 on the file of Sub Court, Mettupalayam is ordered to be withdrawn and the same is hereby transferred to the file of learned V Additional Family Court, Chennai to be tried along with M.C.No.80 of 2023. Consequently, connected miscellaneous petition is closed. No costs.

14.09.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd



WEB COPY



Tr.C.M.P.No.805 of 2023 &
C.M.P.No.19395 of 2023

V.BHAVANI SUBBAROYAN J.

ssd

To

1. The Sub Court, Mettupalayam
2. The V Additional Family Court, Chennai

Tr.C.M.P.No.805 of 2023

14.09.2023