

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.190 of 2014

&

M.P.No.1 of 2014

Bhuvaneswari

...Petitioner

v.

Raja Guru Ambedhkar

...Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer M.O.P.No.73 of 2013 pending on the file of Family Court at Pondicherry and transfer the same to Sub Court at Tambaram to be heard and tried along with H.M.O.P.No.367 of 2013.

For Petitioner : Mr.T.K.Rajasekaran

For Respondent : Mr.Gnanasekar

O R D E R

The petitioner is the wife of the respondent. She has filed H.M.O.P.No.367 of 2013 on the file of Sub Court, Tambaram for restitution of conjugal rights, while the respondent-husband filed M.O.P.No.73 of 2013 on the file of Family Court, Pondicherry for divorce.

2. The petitioner herein has sought to withdraw M.O.P.No.73 of 2013 on the file of Family Court at Pondicherry and to transfer the same to the Sub Court, Tambaram to be tried along with H.M.O.P.No.367 of 2013.

3. Heard both sides.

4. The learned counsel appearing for the respondent-husband strenuously contended that the petitioner-wife is not residing at No.1672, Velacherry Main Road, Mayilai Balaji Nagar, Pallikaranai, Chennai - 600 100, which is the address given in H.M.O.P.No.367 of 2013. But, to prove the same, he has not produced any document.

5. Taking note of section 19(iii-a) of the Hindu Marriage Act and also it is well settled law that in the matrimonial dispute, preference should be given to the wife, with respect to the place of hearing, I am not inclined to accept the contention of the learned counsel for the respondent.

6. In these circumstances, I direct for withdrawal of M.O.P.No.73 of 2013 on the file of Family Court at Pondicherry and to transfer the same to the Sub Court, Tambaram to be tried along with H.M.O.P.No.367 of 2013.

The Transfer C.M.P is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Family Court,
Pondicherry

2. The Sub Court,
Tambaram.

1 CC to Mr.T.K.Rajasekaran, Advocate SR.No. 46386

Tr.C.M.P.No.190 of 2014 &
M.P.No.1 of 2014

CA (CO)
PSI (15.09.2015)