

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

Coram

The Hon'ble Mr. Justice D.HARIPARANTHAMAN

Tr.C.M.P. No.411 of 2014

and

M.P.No.1 of 2014

Revathi .. Petitioner

Vs

K.Gopinathan .. Respondent

Petition filed under Section 24 C.P.C. to withdraw O.P.No.2462 of 2014 on the file of the Principal Judge, Family Court, Chennai to the file of the Principal Subordinate Court at Chengalpet, Kancheepuram District.

For Petitioner .. Mr.V.Raghavachari

For Respondent .. Mr.C.B.Santhosh Kumar

ORDER

The petitioner is the wife. The respondent is the husband. The respondent/husband filed O.P.No.2462 of 2014 on the file of the Principal Family Court, Chennai for dissolution of marriage. The petitioner/wife resides at Thirukalukundram, which is very near to Chengalpet.

2.While so, the respondent/husband filed O.P. No.2462 of 2014 on the file of Principal Family Court, Chennai for divorce under Section 13(1)(i)(a) of Hindu Marriage Act. The petitioner has filed this petition to transfer O.P. No.2462 of 2014 from Chennai to Chengalpet.

3.Learned counsel for the respondent has strenuously opposed the transfer stating that the respondent would face life threat.

4.I am not able to agree with the said submission made by the learned counsel for the respondent. If there is any threat, he could tackle the same in the manner known to law.

5.In view of Section 19 of the Hindu Marriage Act, H.M.O.P. may be tried at the place where the wife resides. In the matrimonial disputes, preference should be given to the convenience of the wife as to the place of hearing. Hence, I am of the view that

O.P.No.2462 of 2014 pending on the file of the Principal Judge, Family Court, Chennai has to be transferred to the file of Principal Subordinate Court, Chengalpet, Kancheepuram District.

6.In the result, the Transfer Civil Miscellaneous Petition is allowed and the learned Judge of Principal Family Court, Chennai is directed to transfer the petition in O.P.No.2462 of 2014 pending on his file to the file of Principal Subordinate Court, Chengalpet, Kancheepuram, for disposal. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2015

mmi

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Principal Judge,
Family Court, Chennai.
2. The Principal Subordinate Court,
Chengalpet, Kancheepuram District.
3. The Section Officer,
VR. Section, High Court, Madras.

+ 1 cc to Mr.V.Raghavachari, Advocate SR 47475

+ 1 cc to Mr.C.B.Santhosh kumar, Advocate SR 47371

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