

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Tr.CMP No.438 of 2014

And

M.P.No.1 of 2014

1.S.Shanmugapriya

2.Minor V.Shri Adhithya

Represented by his mother/  
guardian S.Shanmugapriya.

...Petitioners

Vs.

R.Venkatesh

...Respondent

This Transfer CMP is filed under Section 24 of the CPC for a direction to transfer HMOP No.459 of 2013 on the file of Sub-Court, Poonamallee and transfer the same to the file of the Family Court, Coimbatore and to try along with MC No.78 of 2014.

For Petitioners : Mr.S.S.Swaminathan

For Respondents : Mr.E.Maharajan

ORDER

The first petitioner is the wife and the second petitioner is her minor son. The respondent is the husband.

2. The respondent-husband filed HMOP No.459 of 2013 on the file of the Sub-Court, Poonamallee for divorce. Since the first petitioner-wife resides at Coimbatore along with her minor son (second petitioner) born through the respondent-husband, she filed this Transfer Civil Miscellaneous Petition to transfer HMOP No.459 of 2013 to the file of the Family Court at Coimbatore.

3. The learned counsel for the respondent has strenuously opposed the transfer application.

4. It is well settled that in matrimonial disputes preference shall be given to wife in the matter of the place of hearing. Further taking into account Section 19(iii)(a) of Hindu Marriage Act and also the abovesaid well settled position of law, I am inclined to allow this Transfer Civil Miscellaneous Petition.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Subordinate Judge,  
Poonamallee.
- 2.The Judge,  
Family Court,  
Coimbatore.

1 CC to Mr.S.S.Swaminathan, Advocate SR.No. 48247

1 CC to Mr.E.Maharajan, Advocate SR.No. 47867

Tr.CMP No.438 of 2014

VD (CO)  
PSI (29.09.2015)

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