

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.468 of 2014

and

M.P.No.1 of 2014

R.Lakshmi Bai .. Petitioner

Vs

M.E.Srinivasa Rao .. Respondent

Petition filed under Section 24 C.P.C. to withdraw O.P.No.843 of 2014 on the file of the Family Court, Chennai and transfer the same to the Subordinate Court, Vellore, to be tried along with H.M.O.P.No.86 of 2014.

For Petitioner .. Mr.P.Jagadeesan

For Respondent .. Mr.S.Natanarajan

ORDER

The petitioner is the wife. The respondent is the husband. The petitioner/wife filed H.M.O.P.No.86 of 2014 on the file of the Subordinate Court, Vellore for restitution of conjugal rights. The respondent/husband filed O.P.No.843 of 2014 on the file of the Family Court, Chennai for dissolution of marriage. The petitioner has filed this petition to transfer the case to Vellore as she resides in Vellore along with minor child.

2.It is represented by the learned counsel for the petitioner that H.M.O.P.No.86 of 2014 filed by the petitioner is transferred from the file of Subordinate Court, Vellore, to file of Family Court, Vellore and renumbered as F.C.O.P.No.421 of 2014.

3.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.843 of 2014 pending on the file of the Family Court, Chennai has to be transferred to the file of Family Court, Vellore, to try the same along with F.C.O.P.No.421 of 2014.

4.In the result, the Transfer Civil Miscellaneous Petition is allowed and the learned Judge, Family Court, Chennai is directed to transfer the petition in O.P.No.843 of 2014, to the file of Family Court, Vellore, to try the said case along with F.C.O.P.No.421 of 2014. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

dt. 21.09.15

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Judge, the Family Court, Chennai.

2.The Judge, Family Court, Vellore.

+ 1 cc to Mr.P. Jagadeesan, Advocate Sr.47508

+1 cc Mr.S.Natana Rajan, Advocate, sr.51834 (23/09/2015)

Tr.C.M.P.No.468 of 2014

VD(CO)

EU 21.09.15

सत्यमेव जयते

WEB COPY