

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM :

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.Nos.608 and 555 of 2015 &
M.P.Nos.1 and 1 of 2015

Tr.C.M.P.No.555 of 2014

M.Janani

... Petitioner

.Vs.

S.Saravanakumar

... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the petition in HMOP No.82 of 2014 pending on the file of Sub-Court, Pollachi and transfer to the Sub-Court, at Namakkal tried along with HMOP No.160 of 2014.

Tr.C.M.P.No.608 of 2015

S.Saravanakumar

... Petitioner/Respondent

Vs.

M.Janani

... Respondent/Petitioner

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the petition in HMOP No.160 of 2014 on the file of Subordinate Judge, Namakkal and transfer the same to the file of Sub-Court, Pollachi to try along with HMOP No.82 of 2014 on the file of Sub-Court, Pollachi, Coimbatore District.

For Petitioner : Mr.C.Veeraraghavan
in Tr CMP.608/14 and Respondent in
Tr CMP.556 of 2014

For Petitioner : Mr.P.Saravana Sowmiyan
in Tr CMP.608/14 and Respondent in
Tr CMP.556 of 2014

C O M M O N O R D E R

Tr.C.M.P.No.555 of 2014 has been filed to withdraw the petition in HMOP No.82 of 2014 pending on the file of Sub-Court, Pollachi and transfer the same to the Sub-Court, at Namakkal for being tried along with HMOP No.160 of 2014.

2.Tr.C.M.P.No.608 of 2014 has been filed to withdraw the petition in HMOP No.160 of 2014 on the file of Subordinate Judge, Namakkal and to transfer the same to the file of Sub-Court, Pollachi for being tried along with HMOP No.82 of 2014.

3. The petitioner in Tr.C.M.P.No.555 of 2014 is the wife of the respondent. The respondent filed HMOP No.82 of 2014 on the file of Sub-Court, Pollachi for restitution of conjugal rights. Whereas, the wife filed HMOP No.160 of 2014 on the file of Subordinate Court, Namakkal for divorce.

3. It is seen that the wife resides at Namakkal whereas the husband resides at Pollachi.

4. It is well settled that in matrimonial disputes, preference would be given to wife in the place of hearing.

5. In view of section 19(iii-a) of the Hindu Marriage Act, H.M.O.P. may be tried at the place where the wife resides.

6. In these circumstances, I direct for withdrawal of H.M.O.P.No.82 of 2014 from the file of Sub-Court, Pollachi and to transfer the same to the file of Sub Court, Namakkal to be tried along with HMOP No.160 of 2014.

Accordingly, the Transfer C.M.P No. 555 of 2014 filed by the wife is disposed of and Tr.C.M.P.No.608 of 2014 filed by the husband stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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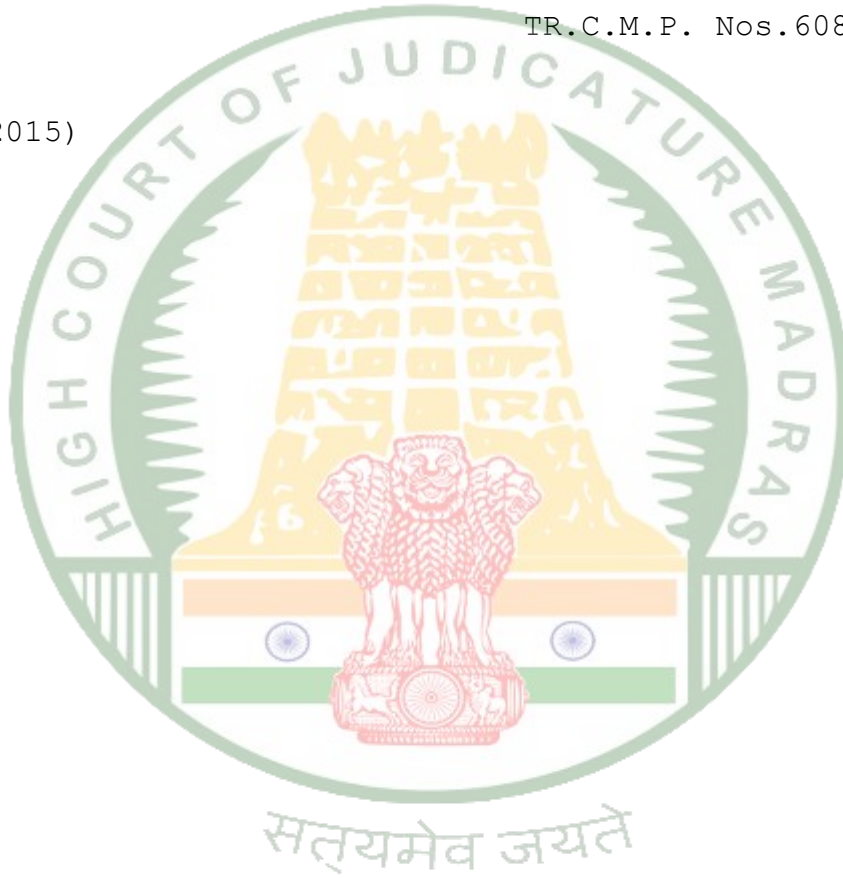
To

1. The Subordinate Judge,
Namakkal.
2. The Sub Judge,
Pollachi.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.48484

TR.C.M.P. Nos.608 and 555 of 2014

BVR(CO)
CA(30/09/2015)



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