

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.563 of 2014 &
M.P.No.1 of 2014

Mrs.Valarmathi

... Petitioner

Vs.

Mr.K.Vinoth

... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to direct the respondent to withdraw HMOP No.20/2013 pending on the file of Sub Court, Arni to transfer the same to III Additional Family Court, Chennai and to joint trial along with MC. No.72/2013 pending on the file of III Additional Family Court, Chennai.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.D.S.Thirumavalavan

ORDER

The petitioner is the wife of the respondent. The respondent filed HMOP No.20 of 2013 on the file of Sub Court, Arni for restitution of conjugal rights.

2. The petitioner has filed the above Transfer C.M.P. to withdraw H.M.O.P.No.20 of 2013 from the file of Sub Court, Arni and to transfer the same to the file of III Additional Family Court, Chennai, for being tried along with M.C.No.72 of 2013 filed by the petitioner.

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

4. Considering the same and also 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.

5. In these circumstances, I direct for withdrawal of H.M.O.P.No.20 of 2013 from the file of Subordinate Court, Arni and to transfer the same to the file of III Additional Family Court, Chennai to be tried along with M.C.No.72 of 2013.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Sub Ordinate Judge,
Arni.
2. The III Additional Family Court,
Chennai.

+2cc's to Mr.M.Suresh, Advocate, S.R.No.48570

+1cc to Mr.D.S.Thirumavalavan, Advocate, S.R.No.48850

Tr.C.M.P.No.563 of 2014

VD(CO)
CA(29/09/2015)

सत्यमेव जयते

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