

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.671 of 2014 and
M.P.Nos.1 and 2 of 2014

A.Nithya Kalyani

.. PETITIONER

Vs

P.Velmurugan

.. RESPONDENT

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw HMOP.No.29 of 2014 on the file of the Principal Subordinate Court, Gobichettipalayam and transfer the same to the file of the Subordinate Court, Tiruppur, to be tried along with HMOP.No.351 of 2014.

For petitioner : Mr.K.Govi Ganesan

For Respondent :

O R D E R

The petitioner herein is the wife. She filed HMOP.No.351 of 2014 on the file of the learned Subordinate Judge, Tiruppur.

2. The respondent is the husband. The respondent-husband filed HMOP.No.29 of 2014 on the file of the learned Principal Subordinate Judge, Gobichettipalayam.

3. The petitioner-wife resides at Tiruppur. Hence, she has filed this petition to transfer the HMOP.No.29 of 2014 on the file of the learned Principal Subordinate Judge, Gobichettipalayam to the file of the Subordinate Judge, Tiruppur to be tried along with HMOP.No.351 of 2014.

4. Heard the learned Counsel for the petitioner. Though notice was served on the respondent, there is no appearance on the side of the respondent.

5. It is well settled in the matrimonial disputes that the convenience of wife is given preference in the matter of place of hearing. Furthermore, Section 19(iii)(a) of the Hindu Marriages Act states that the matrimonial disputes could be heard at the place of residence of the wife. For all the aforesaid reasons, I am inclined to allow this petition.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed by transferring the HMOP.No.29 of 2014 on the file of the learned Principal Subordinate Judge, Gobichettipalayam to the file of the learned Subordinate Judge, Tirupur, to be tried along with HMOP.No.351 of 2014. No costs. Consequently, connected Miscellaneous Petitions are closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge,
Tiruppur.

2. The Subordinate Judge,
Gobichettipalayam.

+1 cc to Mr.K.Goviganesan, Advocate (sr.50105)

सत्यमेव जयते

Tr.C.M.P.No.671 of 2014

kk(co)

cp 30/09/2015

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