

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.719 of 2014
and M.P.No.1 of 2014

Sumithra

... Petitioner

vs.

Dr.A.Sivakumar

... Respondent

Transfer petition has been filed U/s.24 of C.P.C. to withdraw H.M.O.P.No.75 of 2012 from the file of the Sub Court, Aattur and transfer the same to the file of the Sub Court, Perundurai to try along with H.M.O.P.No.27 of 2014 which is pending on the file of Sub Court, Perundurai.

For petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.R.Asaithambi

ORDER

The petitioner is the wife and the respondent is the husband. The respondent / husband filed H.M.O.P.No.75 of 2012 on the file of the learned Principal Subordinate Judge, Aattur seeking divorce. The petitioner / wife filed a petition in H.M.O.P.No.27 of 2014 on the file of learned Principal Subordinate Judge, Perundurai for

restitution of conjugal rights. Now, the petitioner has filed the present transfer petition to transfer H.M.O.P.No.75 of 2012 pending on the file of the learned Principal Subordinate Judge, Aattur to the file of learned Principal Subordinate Judge, Perundurai to be tried along with H.M.O.P.No.27 of 2014 filed by her.

2. In view of Section 19 of the Hindu Marriage Act, H.M.O.P. has to 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 H.M.O.P.No.75 of 2012 has to be transferred to the file of learned Principal Subordinate Judge, Perundurai to be tried along with H.M.O.P.No.27 of 2014.

3. In the result, the transfer CMP is allowed and the learned Principal Subordinate Judge, Aattur is directed to transfer the petition in H.M.O.P.No.75 of 2012 pending on his file to the file of learned Principal Subordinate Judge, Perundurai, to be tried along with H.M.O.P.No.27 of 2014. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

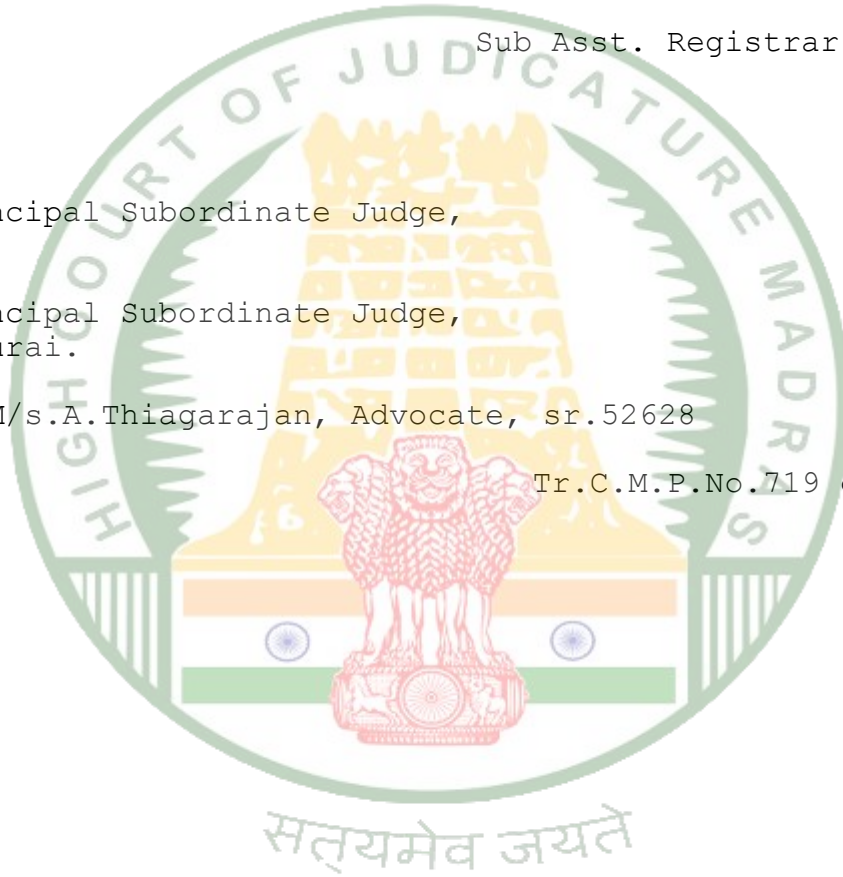
1.The Principal Subordinate Judge,
Aattur.

2.The Principal Subordinate Judge,
Perundurai.

+1 cc to M/s.A.Thiagarajan, Advocate, sr.52628

Tr.C.M.P.No.719 of 2014

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