

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.753 of 2014

and M.P.No.1 of 2014

M.Vanitha

... Petitioner

vs.

Premnath

... Respondent

Transfer petition has been filed under section 24 of CPC to withdraw H.M.O.P.No.97 of 2014 on the file of the learned Principal Subordinate Judge's Court, Chengelpet and transfer the same to the file of learned Family Court at Thiruvallur to try along with H.M.O.P.No.155 of 2014.

For petitioner : Mr.A.R.Suresh

For Respondent : No appearance.

ORDER

The petitioner is the wife and the respondent is the husband. The respondent / husband filed H.M.O.P.No.97 of 2014 on the file of the learned Principal Subordinate Judge, Chengalpattu seeking divorce. The petitioner / wife filed a petition in H.M.O.P.No.155 of 2014 on the file of Family Court, Thiruvallur for restitution of conjugal rights. Now, the petitioner has filed the present transfer petition to transfer H.M.O.P.No.97 of 2014 pending on the file of the learned Principal Subordinate Judge, Chengalpattu to the file of Family Court, Thiruvallur to be tried along with H.M.O.P.No.155 of 2014 filed by her.

2. Though notice was served, the respondent has not chosen to appear before this Court either in person or through counsel.

3. 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.97 of 2014 has to be transferred to the file of Family Court, Thiruvallur to be tried along with H.M.O.P.No.155 of 2014.

4. In the result, the transfer CMP is allowed and the learned Principal Subordinate Judge, Chengalpattu is directed to transfer the petition in H.M.O.P.No.97 of 2014 pending on his file to the file of Family Court, Thiruvallur to be tried along with H.M.O.P.No.155 of 2014. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

ASSISTANT REGISTRAR(J)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

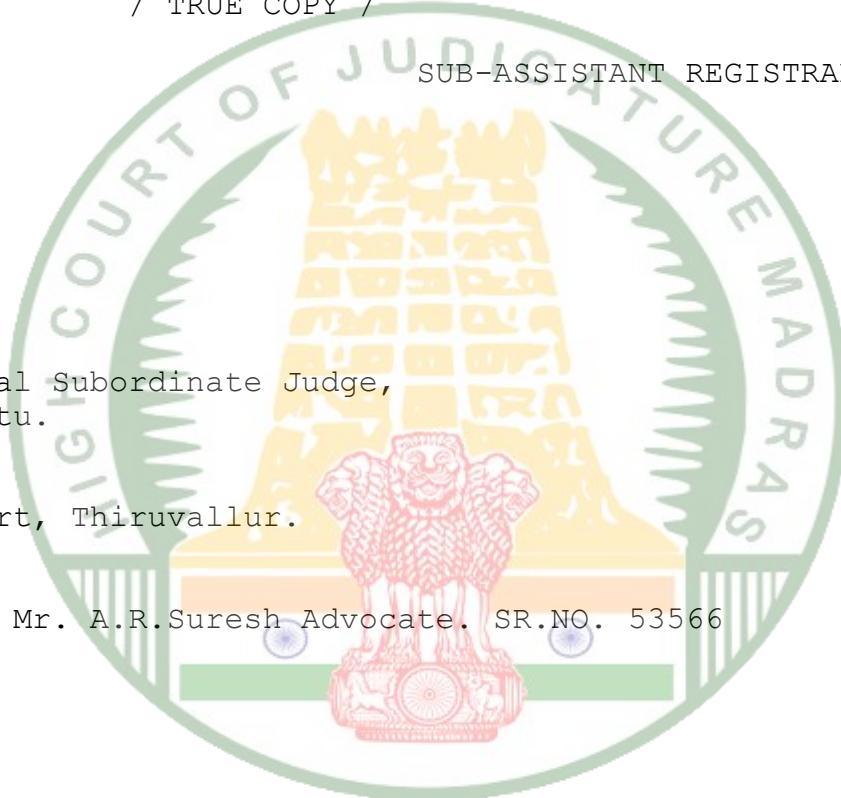
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To

1.The Principal Subordinate Judge,
Chengalpattu.

2.The Judge,
Family Court, Thiruvallur.

+1 CC to Mr. A.R.Suresh Advocate. SR.NO. 53566



सत्यमेव जयते Tr.C.M.P.No.753 of 2014

CO-MP

JD 14/10/2015

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