

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.758 of 2014

and M.P.No.1 of 2014

V.Uma Maheswari

... Petitioner

vs.

S.Vinoth

... Respondent

Transfer petition has been filed to withdraw H.M.O.P.No.19 of 2012 pending on the file of the Sub Court, Tambaram and transfer the same to the Court of II Additional Family Court, Chennai to be tried along with O.P.No.566 of 2012.

For petitioner : Mr.G.Jeremiah

For Respondents : Mr.S.Arockiam

ORDER

The petitioner is the wife and the respondent is the husband. The respondent / husband filed H.M.O.P.No.19 of 2012 on the file of the learned Subordinate Judge, Tambaram seeking divorce. The petitioner / wife filed a petition in O.P.No.566 of 2012 on the file of learned II Additional Judge, Family Court, Chennai for restitution of conjugal rights. Now, the petitioner / wife has filed the present transfer petition to transfer H.M.O.P.No.19 of 2012 pending on the file of the learned Subordinate Judge, Tambaram to the file of learned II Additional Judge, Family Court, Chennai to be tried along with O.P.No.566 of 2012 filed by her.

2. In view of Section 19(iii)(a) 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.19 of 2012 has to be transferred to the file of learned II Additional Judge, Family Court, Chennai to be tried along with O.P.No.566 of 2012 filed by her.

3. In the result, the transfer CMP is allowed and the learned Subordinate Judge, Tambaram is directed to transfer the petition in H.M.O.P.No.19 of 2012 pending on his file to the file of learned II Additional Judge, Family Court, Chennai to be tried along with O.P.No.566 of 2012. No costs. Consequently, connected miscellaneous petition is closed.

sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

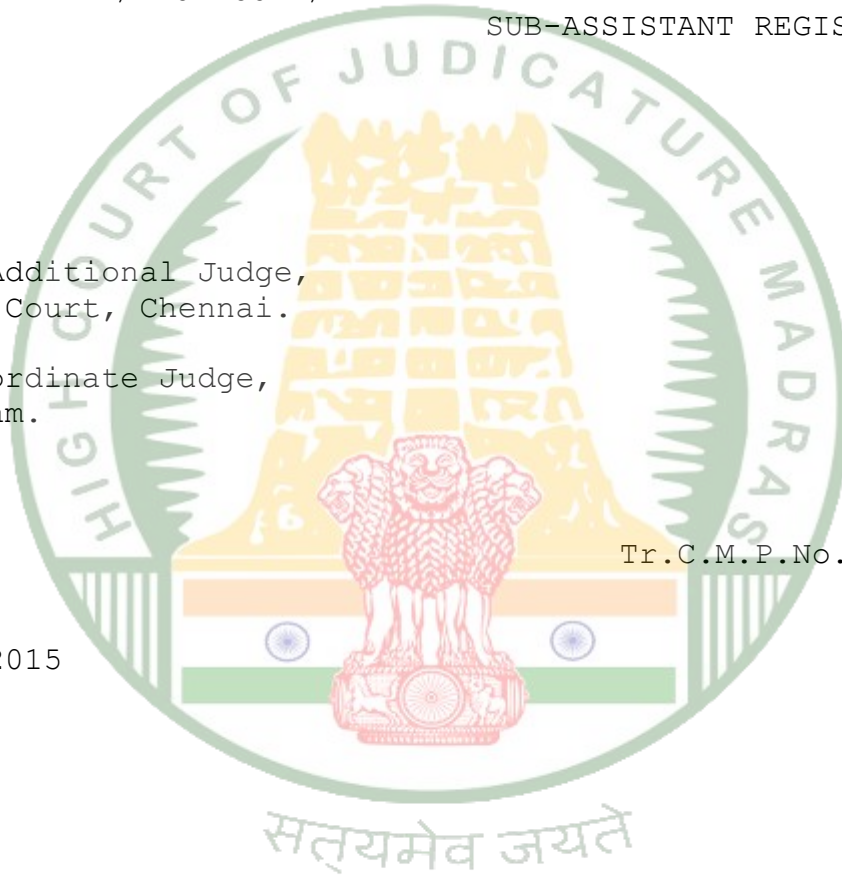
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To

- 1.The II Additional Judge,
Family Court, Chennai.
- 2.The Subordinate Judge,
Tambaram.

Tr.C.M.P.No.758 of 2014

CO-TEJ
JD 27/10/2015



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