

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

The Hon'ble Mr.Justice D.Hariparanthaman

Tr. C.M.PNo.779 of 2014

and

M.P.No.1 of 2014

Mrs.G.Veena

... Petitioner

Vs.

S.Gopinath

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., with a prayer to withdraw H.M.O.P.No.289 of 2014 from the file of the Family Court, Dindugal, and transfer the same to II Additional Family Court, Chennai, to be tried along with M.C.No.215 of 2014.

For Petitioner : Mr.M.Annal Arul Selvi

For Respondent : Mr.P.Vasanthakumar

ORDER

The petitioner herein is the wife and the respondent is the husband. The respondent/husband filed H.M.O.P.No.289 of 2014, on the file of the Family Court, Dindugal, seeking annulment of marriage. The petitioner herein has filed Maintenance Case, being M.C.No.215 of 2014, on the file of II Additional Family Court, Chennai, and now, she has filed the present Petition seeking to transfer the Petition filed by the respondent/husband in H.M.O.P.No.289 of 2014, to II Additional Family Court, Chennai, to be tried along with M.C.No.215 of 2014, filed by her.

2. Heard both sides.

3. In view of Section 19(iii)(a) of the Hindu Marriage Act, which enunciates that H.M.O.P. can be tried at the place where the wife resides, and considering the law laid down by the Hon'ble Supreme Court that in matrimonial disputes, preference should be given to the convenience of the wife as to the place of hearing, and also taking into consideration of the fact that

the maintenance case filed by the petitioner is pending before II Additional Family Court, Chennai, I am of the view that H.M.O.P.No.289 of 2014 filed by the husband/respondent has to be transferred to the file of II Additional Family Court, Chennai,

4. In the result, the Transfer Civil Miscellaneous Petition is allowed and the Family Court, Dindugal is directed to transfer the petition in H.M.O.P.No.289 of 2014, pending on its file to II Additional Family Court, Chennai, to be tried along with M.C.No.215 of 2014. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sd

To

- 1) The Judge,
Family Court, Dindugal
- 2) II Additional Judge, Family Court, Chennai

+1 cc to M/S.M.Annal Arulselvi Advocate sr.56053
+1 cc to Mr.P.Vasanthakumar Advocate sr.56171

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