

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.798 of 2014

and M.P.No.1 of 2014

Mrs.S.Gayathri ... Petitioner

vs.

Mr.Mohan ... Respondent

Transfer petition has been filed to withdraw the H.M.O.P.No.379 of 2014 pending on the file of the Subordinate Court at Poonamallee and transfer the same to the Subordinate Court, Family Court at Vaniyambadi, Vellore District.

For petitioner : Mrs.S.P.Arthi

For Respondent : Mr.A.Murugan

ORDER

The petitioner is the wife and the respondent is the husband. The respondent / husband filed H.M.O.P.No.379 of 2014 on the file of Subordinate Court, Poonamallee, seeking restitution of conjugal rights. The petitioner / wife resides at Ambur, Vellore District. Hence, she has filed this petition to transfer the petition in H.M.O.P.No.379 of 2014 to the file of Sub Court, Vaniyambadi, Vellore District.

2. The learned counsel for the petitioner submits that there is no re-union took place and they are living separately.

3. In the circumstances, I am inclined to allow this petition. Furthermore, in view of Section 19(iii)(a) of the Hindu Marriage Act, H.M.O.P. may 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.379 of 2014 pending on the file of the learned Subordinate Judge, Poonamallee has to be transferred to the file of Sub Court,

Vaniyambadi, Vellore District.

4. In the result, the transfer CMP is allowed and the learned Subordinate Judge, Poonamallee is directed to transfer the petition in H.M.O.P.No.379 of 2014 pending on his file to the file of learned Subordinate Judge, Vaniyambadi, Vellore District, for disposal. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Sub Court, Poonamallee.

2.The Sub Court, Vaniyambadi,
Vellore District.

+1 cc to Mr.S.P.Arthi, Advocate sr.55948

Tr.C.M.P.No.798 of 2014

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