



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM :

THE HONOURABLE Mr.JUSTICE D.HARI PARANTHAMAN

Tr.C.M.P.No.89 of 2014

and

M.P.No.1 of 2014

Vasanthakumari @ Suma

... Petitioner

Vs.

S.Udayar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition has been filed under Section 24 of Code of Civil Procedure praying to withdraw H.M.O.P.No.66 of 2013 pending on the file of the Subordinate Court, Ranipet and to transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mrs.Sunita Kumari

For Respondent : No representation

ORDER

The petitioner herein is the wife and the respondent herein is the husband. The respondent/husband has filed H.M.O.P.No.66 of 2013 on the file of the Sub-Court at Ranipet, for divorce.

3.The petitioner/wife resides at Chennai. Hence, she has filed the present Transfer Civil Miscellaneous Petition seeking to transfer the said HMOP to the file of the Family Court at Chennai.

4.On 05.03.2014, this Court ordered notice to the respondent/husband and the private notice was also permitted. Subsequently, the respondent/husband has received the notice and proof affidavit has also been filed. But, the respondent/husband has not chosen to appear either in person or through counsel.

5.It is well settled principle that in the matrimonial disputes, convenience of the wife will be given preference with regard to the place of hearing. In fact, Section 19 of the Hindu Marriage Act provides for trying the matrimonial disputes at the place where the wife resides.



6. Under such circumstances, the Transfer Civil Miscellaneous Petition is allowed as prayed for. The case in H.M.O.P.No.66 of 2013 pending on the file of the Sub-Court at Ranipet is ordered to be transferred to the file of the Family Court at Chennai. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Sub-Judge Ranipet.

2. The Family Court, Chennai.

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