

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE THIRU JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.126 of 2015 &
M.P.No.1 of 2015

1.Sridhar
2.Pachaiyammal

... Petitioners

v.

1.Archana
2.Minor Mithun Vaseegaran
rep. by Next Friend/Mother the
1st Respondent.

... Respondents

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer the suit in O.S.No.74 of 2013 from the file of Additional District Judge, Dharmapuri to the file of III Additional Principal Judge, Family Court at Chennai, where the first respondent divorce petition in HMOP No.96 of 2015 is pending or to any competent court to try the same.

For Petitioners : Mr.S.Vijay Anand

For Respondents : Mr.S.Vediappan

O R D E R

The first petitioner is the husband of the first respondent.

2. The petitioners have filed this petition seeking to transfer O.S.No.74 of 2013 filed by the first respondent/wife for maintenance and other reliefs to the III Additional Principal Judge, Family Court at Chennai to try along with HMOP No.96 of 2015.

3. The said HMOP No.96 of 2015 was filed by the first respondent/wife before the III Additional Family Court, Chennai. When the matter was listed for hearing on 03.03.2015, the first respondent did not press the HMOP and accordingly, by an order dated 03.03.2015, the III Additional Family Court dismissed the petition as not pressed.

4. Further O.S.No.74 of 2013 was filed by the first respondent/wife along with her minor son Mithun Vaseegaran born through the first petitioner, claiming maintenance under the Hindu Marriage Act.

5. It is well settled that in matrimonial disputes, the convenience of wife is given preference in the matter of place of hearing. Further, taking into account Section 19(iii-a) of the Hindu Marriage Act and the well settled position of law, I am not inclined to entertain this petition.

Accordingly, the Transfer C.M.P is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

svki

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Additional District Court, Dharmapuri
2. The III Additional Principal Judge, Family Court, Chennai

+ 1 cc to Mr.S.Vijay Anand Advocate SR 47378

+ 1 cc to Mr.S.Vediappan, Advocate SR 47331

Tr.C.M.P.No.126 of 2015

सत्यमेव जयते

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