

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

Tr. C.M.PNo. 162 of 2015

and

M.P.No.1 of 2015

A.Lavanya

... Petitioner

Vs.

R.Subramanian

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., with a prayer to withdraw H.M.O.P.No.11 of 2015 from the file of the Principal Sub Court, Tindivanam, and transfer the same to III Additional Family Court, Chennai.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Mr.Dalit Tiger C.Ponnusamy

ORDER

The petitioner herein is the wife and the respondent is the husband. The respondent/husband filed H.M.O.P.No.11 of 2015 on the file of the Principal Sub Court, Tindivanam, for restitution of conjugal rights. and the petitioner/wife has filed H.M.O.P.No.2971 of 2014, on the file of the Family Court, Chennai, seeking dissolution of marriage. Now, the petitioner has filed the present transfer petition to transfer H.M.O.P.No.11 of 2015 to III Additional Family Court, Chennai

2. Heard both sides.

3. In view of Section 19(iii)(a) of the Hindu Marriage Act, which enunciates that H.M.O.P. has to 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, coupled with the further fact that the Petition filed by the petitioner for dissolution of marriage is also pending before the Family Court, at Chennai, I am of the view that H.M.O.P.No.11 of 2015 filed by the husband/respondent has to be transferred to III Additional Family Court, Chennai, to be tried along with H.M.O.P.No.2971 of 2014.

4. In the result, the Transfer Civil Miscellaneous Petition is allowed and the Principal Sub Court, Tindivanam is directed to transfer the petition in H.M.O.P.No.11 of 2015, pending on its file to III Additional Family Court, Chennai, to be tried along with Petition filed by the petitioner for annulment of marriage. No costs. Consequently, connected miscellaneous petition is closed.

sd

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

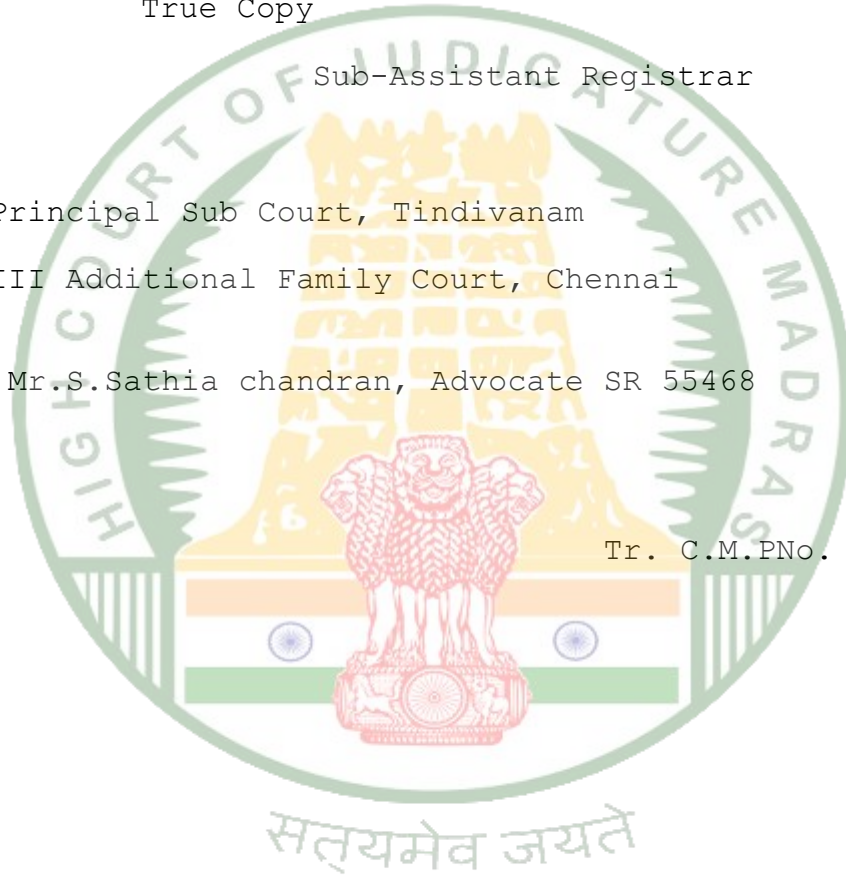
To

- 1) The Principal Sub Court, Tindivanam
- 2) The III Additional Family Court, Chennai

+ 1 cc to Mr.S.Sathia chandran, Advocate SR 55468

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