

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

The Hon'ble Mr.Justice D.Hariparanthaman

Tr. C.M.P.No.166 of 2015
and
Tr.C.M.P. (MD)No.259 of 2015
and
M.P.Nos.1 & 1 of 2012

V.Bhuvaneswari ... Petitioner in Tr.C.M.P.No.166 of 2015
...Respondent in Tr.C.M.P. (MD)No.259 of 2015

Vs.

T.Viswanathasiyan ...Respondent in Tr.C.M.P.No.166 of 2015 ...
Petitioner in Tr.C.M.P. (MD)No.259 of 2015

Prayer in Tr.C.M.P.No.166 of 2015

Transfer Civil Miscellaneous Petition filed under Section 24
of Code of Civil Procedure with a prayer to withdraw
H.M.O.P.No.7 of 2015, from the file of the Family Court, Erode,
and transfer the same to I Additional Sub Court, Nagercoil.

Prayer in Tr.C.M.P. (MD)No.259 of 2015

Transfer Civil Miscellaneous Petition filed under Section 24
of Code of Civil Procedure with a prayer to withdraw
H.M.O.P.No.23 of 2015, from the file of the I Additional Sub
Court, Nagercoil. and transfer the same to Family Court,
Madurai, or any other Court at Madurai.

Tr.C.M.P.No.166 of 2015

For Petitioner : Mr.P.M.Subramaniam

For Respondent : Mr.V.Paul Das

Tr.C.M.P. (MD)No.259 of 2015

For Petitioner : Mr.V.Paul Das, for M/s.D.Saravanan

For Respondent : Mr.P.M.Subramaniam for
M/s.M.S.Sureshkumar

COMMON O R D E R

The Petition, viz., Tr.C.M.P.No.166 of 2015, is filed by

the wife and Tr.C.M.P.(MD)No.259 of 2015, has been filed by the husband.

2. The husband filed a Petition in H.M.O.P.No.7 of 2015, on the file of the Family Court, Erode, for dissolution of marriage and the wife filed H.M.O.P.No.23 of 2015, on the file of I Additional Sub Court, Nagercoil, for restitution of conjugal rights.

3. Heard both sides.

4. 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, I am of the view that H.M.O.P.No.7 of 2015, filed by the husband has to be transferred to the Court, where, the wife has filed Petition for restitution of conjugal rights.

5. In the result, the Transfer Civil Miscellaneous Petition filed by the wife, Tr.C.M.P.No.166 of 2015, is allowed, and the Family Court, Erode, is directed to transfer H.M.O.P.No.7 of 2015, to I Additional Sub Court, Nagercoil, to be tried along with H.M.O.P.No.23 of 2015. Consequent to the order passed in Tr.C.M.P.No.166 of 2015, the petition filed by the husband, viz., Tr.C.M.P.(MD)No.259 of 2015 is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

sd

To

1) Family Court, Erode.

2 The I Additional Sub Court, Nagercoil.

+1 cc to M/s.V.Paul Das,Advocate(sr.55690)
+1 cc M/s.P.M.Subramaniam,Advocate(sr.55445)
+1 cc M/s.S.Sureshkumar,Advocate(sr.55446)

Tr.C.M.P.No.166 of 2015

and

Tr.C.M.P.(MD)No.259 of 2015

MP(co)

cp 28/10/2015