

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.520 of 2015 and
M.P.No.1 of 2015

B.Chitra

.. PETITIONER

Vs

M.Santhosh Kumar

... RESPONDENT

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in HMOP.No.230 of 2015 on the file of the learned Subordinate Judge, Poonamallee, Chennai and transfer it to the file of the learned Subordinate Judge, Hosur for disposal in accordance with law.

For petitioner : Mr.B.Gurumurthy

For Respondent : Mr.A.Ramaswamy

O R D E R

The petitioner herein is the wife. The respondent is the husband. The respondent-husband filed HMOP.No.230 of 2015 on the file of the learned Subordinate Judge, Poonamallee, Chennai.

2. The petitioner resides at Hosur. Hence, she has filed this petition to transfer HMOP.No.230 of 2015 on the file of the learned Subordinate Judge, Poonamallee, Chennai to the file of the learned Subordinate Judge, Hosur.

3. Learned Counsel for the respondent states that though the native of the petitioner is Kerala, she is working at Hosur.

4. Heard both sides.

5. It is well settled in the matrimonial disputes that the convenience of wife is given preference in the matter of place of hearing. Furthermore, Section 19 (iii) of the Hindu Marriages Act states that the matrimonial disputes could be heard either at the place where the marriage was celebrated or where the spouse resides or at least where the wife resides. In this case, even the respondent has admitted that the wife resides at Hosur. For all the aforesaid reasons, I am inclined to allow this petition.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed by transferring the HMOP.No.230 of 2015 on the file of the learned Subordinate Judge, Poonamallee, Chennai, to the file of the learned Subordinate Judge, Hosur with a further direction to the learned Subordinate Judge, Hosur to dispose of the same, within a period of nine months from the date of receipt of the case in HMOP.No.230 of 2015. No costs. Consequently, connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR(J)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

tsi

To

1. The Subordinate Judge, Poonamallee, Chennai.
2. The Subordinate Judge, Hosur.

+2 CC to MR.A.Ramaswamy Advocate. SR.NO. 57225

Tr.C.M.P.No.520 of 2015

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CO-MSM
JD 30/10/2015