



WEB COPY

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.58 of 2015

Vinodha

... Petitioner

Vs.

Sanjeevi

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., with a prayer to withdraw H.M.O.P.No.54 of 2013, from the file of the Sub Court, Cheyyar, Thiruvannamalai District and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr.R.Sundarajan

For Respondent : Mr.R.Balakrishnan

ORDER

The petitioner herein is the wife and the respondent is the husband. The respondent/husband filed H.M.O.P.No.54 of 2013, on the file of the Sub Court, Cheyyar, seeking annulment of marriage. Now, the petitioner has filed the present transfer petition to transfer H.M.O.P.No.54 of 2013, to the Family Court, Chennai.

2. Heard both sides.

3. In view of Section 19(iii)(a) of the Hindu Marriage Act, which states that H.M.O.P. has to be tried at the place where the wife resides, and also 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.54 of 2013, filed by the husband/respondent has to be transferred to the file of Family Court, Chennai.



4. In the result, the Transfer Civil Miscellaneous Petition is allowed and the learned Sub Judge, Cheyyar, Thiruvannamalai District, is directed to transfer the petition in H.M.O.P.No.54 of 2013 pending on his file to the file of II Additional Family Court, Chennai. No costs.

Sd

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Sub Judge, Cheyyar,
Thiruvannamalai District.
2. II Additional Judge,
Family Court, Chennai.

+1 C.C. To MR.R.Balakrishnan, Advocate in SR.NO.55535

Tr.C.M.PNo.58 of 2015

MSM(CO)

sd : 20/10/2015