

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.596 of 2015
and
M.P.No.1 of 2015

M.S.Priya alias M.Selvapriya ...Petitioner

vs.

D.Senthilvel ...Respondent

Transfer petition has been filed under section 24, CPC, to withdraw the case proceeding in H.M.O.P.No.2968 of 2015 on the file of the Family Court Judge at Chennai and transfer the same to the file of the Court of Sub Judge at Tiruchirappalli.

For Petitioner : Ms.J.Shrestha

For Respondent : Mr.Thambi S.Devendran

ORDER

The petitioner is the wife and the respondent is the husband. The respondent / husband filed H.M.O.P.No.2968 of 2015 on the file of Family Court, Chennai, for restitution of conjugal rights. The petitioner / wife resides at Trichy. Hence, she has filed this petition to transfer the petition in H.M.O.P.No.2968 of 2015 to the file of Sub Court, Trichy.

2. Learned counsel appearing for the respondent has vehemently contended that the marriage between the petitioner and respondent took place at Chennai and they resided at Chennai and three children were born at Chennai and hence, the petition filed by the respondent cannot be transferred to Trichy, where the

petitioner / wife resides.

3. However, in view of Section 19(iii)(a) of the Hindu Marriage Act, H.M.O.P. may be tried at the place where the wife resides. In the matrimonial disputes, preference should be given to the convenience of the wife as to the place of hearing. Hence, I am of the view that H.M.O.P.No.2968 of 2015 pending on the file of the learned I Additional Judge, Family Court, Chennai has to be transferred to the file of Sub Court, Trichy.

4. In the result, the transfer CMP is allowed and the learned I Additional Judge, Family Court, Chennai is directed to transfer the petition in H.M.O.P.No.2968 of 2015 pending on her file to the file of learned Subordinate Judge, Trichy, for disposal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The I Additional Judge,
Family Court, Chennai.
2. The Subordinate Judge,
Trichy.

1 CC to Ms.J.Shrestha, Advocate SR.No. 54072

1 CC to Mr.Thambi S.Devendran, Advocate SR.No. 53654

Tr.C.M.P.No.596 of 2015

TS (CO)
PSI (13.10.2015)