

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.605 of 2015

and M.P.No.1 of 2015

V.Aishwarya ... Petitioner

vs.

S.Saikrishna ... Respondent

Transfer petition has been filed to withdraw H.M.O.P.No.2927 of 2015 on the file of the learned Principal Judge, Family Court, Chennai and transfer the same to the file of learned Subordinate Judge, Tambaram to be tried along with H.M.O.P.No.294 of 2015 filed by the petitioner.

For petitioner : Mr.R.Ravi

For Respondent : Mrs.S.Manjula

ORDER

The petitioner is the wife and the respondent is the husband. The respondent / husband filed H.M.O.P.No.2927 of 2015 on the file of the learned Principal Judge, Family Court, Chennai for restitution of conjugal rights. The petitioner / wife filed a petition in H.M.O.P.No.294 of 2015 on the file of Sub Court, Tambaram seeking divorce. Now, the petitioner has filed the present transfer petition to transfer H.M.O.P.No.2927 of 2015 pending on the file of the learned Principal Judge, Family Court, Chennai to the file of Sub Court, Tambaram to be tried along with H.M.O.P.No.294 of 2015 filed by her.

2. In view of Section 19(iii)(a) of the Hindu Marriage Act, H.M.O.P. has to 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.2927 of 2015 has to be transferred to the

file of Sub Court, Tambaram to be tried along with H.M.O.P.No.294 of 2015.

3. In the result, the transfer CMP is allowed and the learned Principal Judge, Family Court, Chennai is directed to transfer the petition in H.M.O.P.No.2927 of 2015 pending on his file to the file of Sub Court, Tambaram to be tried along with H.M.O.P.No.294 of 2015. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CSV)

dt:09/10/2015

True Copy

Sub-Assistant Registrar

To

1.The Principal Judge,
Family Court, Chennai.

2.The Subordinate Judge,
Tambaram.

+1 cc to M/S.R.Ravi Advocate sr.53742

Tr.C.M.P.No.605 of 2015

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