

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.6 of 2016
and

C.M.P.No.153 of 2016

Harini S.Prabhu
W/o.Mr.G.Vaidyalingam
Mr.R.Sreeramachandra Prabhu
No.7, Lokesh Apartments,
11, Postal Colony, 4th Street,
West Mambalam, Chennai 600 033 Petitioner

Vs

G.Vaidyalingam
S/o.Mr.S.Gopala Krishnan
B-1, Nandavanam, Phase-3,
Gokul Nagar, Hosur 635 109

Office Address
G.Vaidyalingam,
Senior Manager-Finance,
Ashok Leyland-Unit I,
175, Hosur Sipcot Industrial Complex,
Rajaji Nagar, Hosur 635 126 ... Respondent

Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer the H.M.O.P.No.102 of 2015 from the file of Sub Court at Hosur to be tried along with M.C.No.390 of 2015 pending on the file of III Additional Family Court at Chennai.

For Petitioner : Mr.R.S.Mohan

For Respondent : Mr.S.N.Arun Kumar

O R D E R

The respondent has filed H.M.O.P.No.102 of 2015 for divorce on the file of Sub Court, Hosur. In the petition itself, the wife's address is given as No.7, Lokesh Apartments, 11, Postal

Colony, 4th Street, West Mambalam, Chennai 600 033. The place of residence of the respondent in H.M.O.P is also a place wherein the H.M.O.P can be filed. Section 19(iii-a) has been included in the Hindu Marriage Act to enable the wife to file a petition in the place of her residence at the time of presentation of the petition. The said provision has been interpreted to mean that it was intended to the benefit of the wife to have the case heard at her place.

2. In view of the same, Sections 22 and 23 of Civil Procedure Code gets attracted. Accordingly, this Court holds that the divorce O.P. filed by the Husband in H.M.O.P.No.102 of 2015 on the file of Sub Court, Hosur has to be transferred to the file of III Additional Family Court, Chennai, in which a petition filed by the wife under Section 125 of the Criminal Procedure Code is pending as M.C.No.390 of 2015.

3. In the result, the Transfer Civil Miscellaneous Petition is allowed. The H.M.O.P.No.102 of 2015 pending on the file of Sub Court, Hosur is withdrawn and transferred to the file of III Additional Family Court, Chennai. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Hosur
2. The Presiding Officer,
III Additional Family Court, Chennai

+2 ccs to M/s.Maragatha Sundhari, Advocate, sr.8979

Tr.C.M.P.No.6 of 2016
and
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vd co

kra 18.02.2016