

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.82 of 2016

and C.M.P.No.1889 of 2016

S.Sinthamani

... Petitioner

Vs.

S.Visvanathan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw H.M.O.P.No.229 of 2015 pending on the file of the Sub Court, Tambaram and transfer the same to the Sub Court, Pudukkottai District.

For Petitioner : Mr.S.Vijayakumar

O R D E R

Though notice was served privately on the respondent with the permission of the Court and the name of the respondent has been printed in the cause list, respondent has not chosen to enter appearance to contest the petition.

2. The petitioner in the transfer Civil Miscellaneous Petition is the wife of the respondent. H.M.O.P.No.229 of 2015 was filed on the file of the Sub Court, Tambaram by the respondent [husband] for divorce. The petitioner in the transfer Civil Miscellaneous Petition [wife] has come forward with the petition seeking transfer of the said H.M.O.P. to the file of the Sub Court, Pudukkottai within whose jurisdiction she is residing. It is also pertinent to note that the petitioner herein and her minor children have filed a maintenance case before the Court of the learned Judicial Magistrate, Thirumayam, which functions within the jurisdiction of the Sub Court, Pudukkottai. In the H.M.O.P. itself, the husband has given the address of his wife as Rayavaram Village, Thirumayam Taluk, Pudukkottai District.

3. The amended provision of Section 19[iii-a] of Hindu Marriage Act, 1955 provides an additional benefit to the wife, in case of matrimonial causes to file the Original Petitions in the court, within whose jurisdiction she resides. Even though such Court will not be jurisdictional Court as per sub clauses [i], [ii], [iii] of Section 19 of Hindu Marriage Act, 1955, the Court having jurisdiction over the place of the residence of the wife is also made as jurisdictional Court as per sub clause [ii] of Section 19 of Hindu Marriage Act, 1955. The said amendment has been made with a view to confer benefit on the wife to have the causes tried at the place, wherein she is residing. Such a benefit in the absence of any other valid reasons cannot be denied to the wife. Hence, the present petition seeking transfer of H.M.O.P. from the file of the Sub Court, Tambaram to the file of the Sub Court, Pudukkottai is bound to be allowed.

4. Accordingly, the transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.229 of 2015 is withdrawn from the file of the Sub Court, Tambaram and transferred to the file of the Sub Court, Pudukkottai District. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Sub Judge,
Tambaram

2.The Sub Judge
Pudukkottai District

+1 cc to M/s.S.Vijayakumar Advocate sr.16091

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