



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.132 of 2017

Saranya ... Petitioner/Respondent

Vs.

N.Saravanan ... Respondent/Petitioner

Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the above H.M.O.P.No.54 of 2016 on the file of the Sub Court, Sivagangai to the Principal Sub Court, Tiruchirapalli.

For Petitioner : Mr.B.Jameel Arasu
For Respondent : Mr.C.Asaithambi

ORDER

The wife, who is the respondent in H.M.O.P.No.54 of 2016 on the file of the Sub-Court, Sivagangai, is the petitioner and she seeks transfer of the same to the file of the Sub-Court, Tiruchirapalli.

2.According to the wife, earlier the husband has filed H.M.O.P.No.425 of 2013 on the very same ground of cruelty before the Sub-Court, Tiruchirapalli and the same is pending.

3.However, the learned counsel for the respondent/husband would submit that the said application has been withdrawn with liberty to file a fresh petition.

4.Be that as it may, in both the original petitions H.M.O.P.No.425 of 2013 and H.M.O.P.No.54 of 2016, the address of the wife is shown as No.26, Puthu Vellala Street, Pandamangalam Woraiyur, Tiruchirapalli. Earlier, the husband has initiated the proceedings at Trichy and now, the present proceedings are initiated at Sivagangai.

5.Relying upon the amendment to Section 19 of the Hindu Marriage Act, 1955 as well as the convenience of the wife, the petitioner/wife seeks transfer to the Sub-Court, Tiruchirapalli.



6.The learned counsel for the respondent/husband would rely upon the marriage invitation and the marriage certificate and claim that the wife is actually residing at Thanjavur. The marriage was in the year 2011. H.M.O.P.No.425 of 2013 was filed in the year 2013 before the Sub-Court, Trichy and the respondent/wife herself has given her address as No.26, Puthu Vellala Street, Pandamangalam Woraiyur, Tiruchirapalli and the same address has been adopted in H.M.O.P.No.54 of 2016 filed by the husband.

7.According to the learned counsel, the petitioner/wife is using her uncle's address at Trichy. I do not think that the husband can take such a plea, in view of the fact that the respondent/husband himself has shown the wife as a resident of Trichy. Therefore, considering the convenience of the wife, H.M.O.P.No.54 of 2016 is withdrawn from the file of the Sub-Court, Sivagangai and transferred to the file of the Sub-Court, Trichy. The Sub-Court, Sivagangai is directed to transmit the entire papers in H.M.O.P.No.54 of 2016 to the file of the Family Court, Tiruchirapalli, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge,
Sivagangai.
- 2.The Principal Sub Judge,
Tiruchirapalli.
- 3.The Judge,
Family Court,
Tiruchirapalli.

+1 cc to Mr.B.Jameel Arasu , Advocate in SR.No. 59305
+1 cc to Mr.C.Asaithampi , Advocate in SR.No. 59469

Ns

AE/SKN/SAR3/29.06.2017/2P/6C