

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.314 of 2019

and

C.M.P.No.9152 of 2019

C.Shanmugapriya

... Petitioner / Respondent

Vs.

Esakkiappan

... Respondent / Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.325 of 2019 on the file of the Principal Judge, Family Court, Coimbatore and transfer the same to the file of the Principal Judge, Family Court, Chennai for disposal in accordance with law.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.P.Veeranarayanan

ORDER

This petition has been filed by the petitioner/wife, seeking transfer of H.M.O.P.No.325 of 2019 from the file of the Principal Judge, Family Court, Coimbatore, to the file of the Principal Judge, Family Court, Chennai.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 18.11.2012 at A.V.S.Thirumana Mandapam, Thiruppathur Town, Vellore District, as per Hindu Rights and Customs, and out of the wedlock, no children were born. The marriage between the petitioner and the respondent is a love cum arranged marriage, and both of them were working at HCL, Greams Road, Thousand Lights, Chennai, when they fell in love. The matrimonial home was set up in Pallavaram and both the petitioner and the respondent used to work at night hours and go to work together. Initially, the petitioner and the respondent lived happily as husband and wife, but in the due course, the respondent started harassing the petitioner and treated her abusively. As a result, the petitioner had quitted her job, and

thereafter, due to misunderstanding between the petitioner and the respondent, the respondent left the matrimonial home on 18.02.2019 and filed H.M.O.P.No.325 of 2019 before the Principal Judge, Family Court, Coimbatore, seeking for divorce.

3. It is further stated in the affidavit that the respondent has been working in Accenture/CDC2B, Perungalathur, as a Project Control Services Team Leader since September 2015 and both the petitioner and the respondent have lived in Pallavaram, Chennai, from the date of marriage till the date of desertion by the respondent on 18.02.2019. The address mentioned in the divorce petition is that of the petitioner's parents, but the respondent has falsely stated in his petition that their matrimonial home is in Coimbatore. Moreover, it is stated that the petitioner is currently living at her relatives house in Ayanavaram, Chennai, depending upon her parents' income and also looking out for a job as she has to sustain herself. Since the respondent has filed the H.M.O.P.No.325 of 2019 before the Principal Judge, Family Court, Coimbatore, she could not travel alone to Coimbatore which is more than 700 kms from Chennai and therefore, she seeks transfer of the same to the file of the Principal Judge, Family Court, Chennai.

4. The learned counsel appearing for the respondent though expressed his difficulty in transferring the H.M.O.P.No.325 of 2019 from the file of the Principal Judge, Family Court, Chennai, considering the fact that Section 19(iii-a) of the Hindu Marriage Act gives preference for the wife in respect of the place where she resides, this Court is inclined to transfer the H.M.O.P.No.325 of 2019 from the file of the Principal Judge, Family Court, Coimbatore, to the file of the Principal Judge, Family Court, Chennai.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.325 of 2019 pending on the file of the Principal Judge, Family Court, Coimbatore, is withdrawn and transferred to the file of the Principal Judge, Family Court, Chennai. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Principal Judge,
Family Court,
Chennai.

2. The Principal Judge,
Family Court,
Coimbatore.

+1cc to Mr.J.Saravana vel , Advocate SR.No. 76819

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and

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A.SK(03/12/2019)