



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P. (MD) .No.99 of 2019 and
C.M.P. (MD) .No.2246 of 2019

P.Lavanya

.. Petitioner/Respondent

Vs.

R.Boobesh Kumar

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to transfer the H.M.O.P.No.4518 of 2018 pending on the file of learned V Additional Family Court, Chennai to the learned Sub Court, Aruppukottai or any other competent Court.

For Petitioner : Mr.A.Baskaran

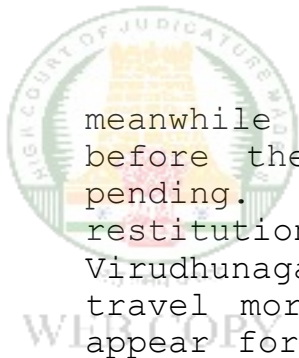
For Respondent : No Appearance

ORDER

This petition is filed for withdrawal of proceedings in H.M.O.P.No.4518 of 2018 pending before the V Additional Family Court, Chennai and to transfer the same to the Sub Court, Aruppukkottai.

2.This Court permitted the petitioner to serve notice to the counsel for the respondent who entered appearance before the lower Court for the respondent. Though private notice was also permitted, notice was not served on the respondent for unknown reasons. In such circumstances, the petitioner was permitted to take notice by substituted service through paper publication. Accordingly, the petitioner has filed proof of paper publication. Though the hearing was mentioned as 28.06.2019 no one has entered appearance on behalf of the respondent till date. In such circumstances, this court is inclined to dispose this matter on merits.

3.The marriage between the petitioner/wife and the respondent/husband took place on 27.08.2017 at Aruppukkottai. The respondent is working in Chennai. There was misunderstanding between the petitioner and respondent. It is stated by the wife that she was driven out from the matrimonial home by the respondent. There was a police complaint by the wife and it is stated that it was to resume cohabitation with the respondent/husband. In the



meanwhile the respondent filed H.M.O.P.No.4518 of 2018 for divorce before the V Additional Family Court, Chennai and the same is pending. The petitioner also has filed H.M.O.P.No.186 of 2018 for restitution of conjugal rights before the Sub Court, Aruppukkottai, Virudhunagar District. Stating that the petitioner will have to travel more than 550 kilometers from Aruppukkottai to Chennai to appear for each and every hearing along with her parents and that she would be put to unbearable hardships if the case is heard at Chennai, the present petition for transfer is filed.

4.In a petition filed by the husband, convenience of the wife can be given preference. It is not in dispute that the place of residence of the wife confers the jurisdiction to the Court where she resides to decide all matrimonial disputes under the Hindu Marriage Act. In this case, it is stated that the wife has no work, but her parents have to accompany her and it is difficult to them to travel to Chennai a far away place from her residence. In such circumstances, this Court finds a justification in the requests of the wife to transfer the proceedings. The petition filed by the wife is also pending before Sub Court, Aruppukkottai and both petitions can be heard together.

5.Accordingly, this transfer civil miscellaneous petition is allowed. The proceedings in H.M.O.P.No.4518 of 2018 pending on the file of learned V Additional Family Court, Chennai is withdrawn and transferred to Sub Court, Aruppukkottai, Virudhunagar District. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judge, V Additional Family Court, Chennai.

2.The Subordinate Judge, Aruppukkottai, Virudhunagar District.

+1 CC to M/s.A.BASKARAN, Advocate (SR-81011[F] dated 09/08/2019)

Tr.C.M.P. (MD) .No.99 of 2019
09.08.2019

TM

JMN(30.08.2019) 2P : 4C

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