



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Tr.C.M.P. No.125 of 2022
and C.M.P. No.2512 of 2022

K.Girija

...

Petitioner

versus

V.Partheeban

...

Respondent

PRAYER: Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw M.C.No.460 of 2021 on the file of the IV Additional Family Court, Chennai and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.A.Saranraj

For Respondent : M/s.N.Umapathi

ORDER

This petition is filed to withdraw M.C.No.460 of 2021 from the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore.



2. Heard the learned counsel for the petitioner as well as learned counsel appearing for the respondent.

3. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 14.02.2016 as per Hindu Rites and Customs. Since the relationship between the couples went bitter, the respondent/husband filed H.M.O.P.No.1278 of 2017 on the file of the Family Court, Coimbatore, against the petitioner seeking divorce. Subsequently, the respondent also filed M.C.No.460 of 2021 on the file of the IV Additional Family Court, Chennai, against the petitioner seeking maintenance. Now, the petitioner herein, who is the wife has preferred the present petition to withdraw M.C.No.460 of 2021 pending on the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Family Court, Coimbatore.

4. The petitioner has stated that she is staying with her minor child and she has no source of income and hence, it is very difficult



for her to travel from Coimbatore to Chennai to attend the Court proceedings.

5. The learned counsel appearing for the respondent submitted that the respondent's life is in danger at the hands of the petitioner/wife; she is working in Coimbatore and staying with her parents. The female child born to couples is also under the custody of the petitioner. The respondent/husband knowing pretty well about the pending matrimonial proceedings at Coimbatore has chosen to file the petition for claiming maintenance for him.

6. It is needless to state that in matrimonial proceedings, preference should be given to the convenience of the wife. The said position has been settled in various judgments of the Hon'ble Supreme Court and more particularly in the judgments reported in **2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta]** and **AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another]**. Infact as per amended Section 19(iii-a) of the Hindu Marriage Act, 1955 the wife is



guarded with the right to file proceedings in the place where she resides.

The above amendment was brought the object of facilitating the wife to participate in the matrimonial proceedings without any hardship. In view of the above reasons, I feel that the prayer of the petitioner should be considered favourably.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition in M.C.No.460 of 2021 filed by the respondent is ordered to be withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the file of the Family Court, Coimbatore. The learned Judge, IV Additional Family Court, Chennai is directed to transmit all the records pertaining to M.C.No.460 of 2021 to the file of the Family Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order. However, there is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

29.06.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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WEB COPY

To

- 1.The IV Additional Family Court, Chennai.
- 2.The Family Court, Coimbatore.



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R.N.MANJULA, J.

sri

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