



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.196 of 2022
and
C.M.P.No.3968 of 2022

Priyadharsiny

...Petitioner

..Vs..

Purandaradasan

...Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.111 of 2021 from the file of the Principal Sub-Court at Tindivanam and transfer it to the Family Court, Puducherry to be tried along with H.M.O.P.No.547 of 2021.

For Petitioner

: Mr.R.Mugundhan

For Respondent

: Mr.G.Magesh Kumar

O R D E R

This petition is filed to withdraw the petition in H.M.O.P.No.111 of 2021 from the file of the Principal Sub-Court at Tindivanam and transfer it to the Family Court, Puducherry to be tried along with H.M.O.P.No.547 of 2021.

2 Heard the learned counsel for the petitioner and learned counsel for the respondent and perused the materials available on record.

3.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 10.02.2019 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband has filed H.M.OP.No.111 of 2021 on the file of the Principal Sub-Court, Tindivanam against the Petitioner seeking divorce. The petitioner has filed H.M.O.P.No.547 of 2021 for Restitution of Conjugal Rights which is pending before the Family Court, Puducherry. Now, the Petitioner herein who is the wife has preferred the present petition to withdraw H.M.O.P.No.111 of 2021 pending on the file of the Principal Sub-



Court, Tindivanam and transfer the same to the file of Family Court, Puducherry, to be tried along with H.M.O.P.No.547 of 2021.

4.The petitioner has stated that she is presently working as a Doctor and staying with her parents house along with her minor child and it is very difficult for her to travel from Puducherry to Tindivanam for attending the Court proceedings at Tindivanam.

5.The learned counsel appearing for the Respondent submitted that this petition for transfer has been filed only to drag on the proceedings and prayed for dismissal of the transfer petition.

6.It is needless to state that in the 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 the 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 with 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, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.111 of 2021 filed by the Respondent is ordered to be withdrawn from the file of Principal Sub-Court, Tindivanam and transferred to the file of the Family Court, Puducherry and to be tried along with H.M.O.P.No.547 of 2021. The learned Judge, Principal Sub-Court, Tindivanam is directed to transmit all the records pertaining to H.M.O.P.No.111 of 2021 to the file of the Family Court, Puducherry, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssn



To

1. The Principal Subordinate Judge,
Tindivanam.

2. The Family Court Judge,
Puducherry.

+1cc to M/s.R.Mugundhan, Advocate, S.R.No.36140

+1cc to M/s.G.Mageshkumar, Advocate, S.R.No.35287

Tr.C.M.P. No.196 of 2022
and
C.M.P.No.3968 of 2022

SJ(CO)
RGA(30/06/2022)