



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

TR.C.M.P. NO.218 OF 2022

AND

C.M.P.NO.4485 OF 2022

D.Gopalakrishnan

...Petitioner

Vs

S.A.Gnanaprasunambigai

...Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the case in F.C.O.P.No.14/2022 on the file of the Hon'ble Family Court, Vellore and transfer the same to Hon'ble Sub Court, Poonamalle and be tried along with HMOP No.191 of 2021.

For Petitioner : Mr.S.Jeyakumar

For Respondent : Ms.Reshmi Christy

O R D E R

This petition is filed to withdraw the case in F.C.O.P.No.14/2022 on the file of the Hon'ble Family Court, Vellore and transfer the same to Hon'ble Sub Court, Poonamalle and be tried along with HMOP No.191 of 2021.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The Petitioner is the husband. He filed the Petition for divorce before the Sub Court, Poonamallee in H.M.O.P.No.191 of 2021. The Respondent/Wife has filed the Petition for restitution of conjugal rights before the Family Court, Vellore in F.C.O.P.No.14 of 2022.

4. The learned counsel for the Petitioner submitted that the petitioner is employed as a Senior Executive, Industrial Relations in M/s.KIA India Pvt. Ltd. and he cannot make himself present frequently for the proceedings pending at Vellore.

5. It is needless to state that in the Matrimonial Proceedings preference has to be given to the convenience of the



wife. Infact, Section 19 of the Hindu Marriage Act, 1955 vests jurisdiction in favour of the wife for filing petitions at the place where she resides. Had the Petitioner prayed to transfer his petition for divorce to Vellore that would have got materialized in terms of various judicial pronouncements which confirms in favour of the convenience of the wife.

6. The Petitioner is at liberty to seek leave of the Court to make his appearance through his counsel, whenever he finds inconvenient to make personal appearance, by giving advance notice to the Respondent. Barring the same, I do not find any acceptable reasons for allowing this petition.

7.Hence, the Transfer Civil Miscellaneous Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

arr

To

1.The Family Court Judge,
Vellore.

2.The Sub Judge,
Poonamalle.

+lcc to M/s.Reshmi Christy, Advocate Sr.No.32742

Tr.C.M.P. No.218 of 2022
and C.M.P.No.4485 of 2022

RSV(CO)
RVM(17/06/2022)