



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

TR.C.M.P.NO.239 OF 2022

Sahaya Shyla Nancy

... Petitioner

.Vs.

Amala Antony Assisi

... Respondent

PRAYER:-

Petition has been filed under Section 24 of C.P.C., to withdraw the case in I.D.O.P.No.714 of 2020 pending on the file of the Family Judge at Madurai and transfer the same to the file of learned VI Additional Judge, Family Court at Chennai to tried along with M.C.No.50 of 2022.

For Petitioner : Mr.M.Murali

For Respondent : Ms.V.A.Dhana Aravindha Balaji

O R D E R

This petition has been preferred to withdraw I.D.O.P.No.714 of 2020 pending on the file of the Family Court, Madurai and transfer the same to the file of learned VI Additional Judge, Family Court, Chennai to be tried along with M.C.No.50 of 2022, which is filed by the petitioner/wife.

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

3. The learned counsel for the respondent has no serious objection for allowing this petition.

4. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 23.01.2009 as per Christian customs and tenets. Since, the relationship between the couples went bitter, the



Respondent/Husband filed I.D.O.P.No.714 of 2020 on the file of the Family Court, Madurai against the petitioner seeking divorce. Now, the petitioner herein who is the wife has preferred the present petition to withdraw I.D.O.P.No.714 of 2020 pending on the file of the Family Court, Madurai and transfer the same to the file of learned VI Additional Judge, Family Court, Chennai to be tried along with M.C.No.50 of 2022, which is filed by her.

5. The petitioner has stated that she is staying with her minor son and it is very difficult for her to travel from Chennai to Madurai along with her minor son for attending the Court proceedings at Madurai.

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, 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]. In fact 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 I.D.O.P.No.714 of 2020 filed by the Respondent is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of learned VI Additional Judge, Family Court, Chennai to be tried along with M.C.No.50 of 2022, which is filed by the petitioner/wife. The learned Judge, Family Court, Madurai is directed to transmit all the records pertaining to I.D.O.P.No.714 of 2020 to the file of the learned VI Additional Judge, Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ms



To

1. The Judge,
Family Court,
Madurai.

2. The VI Additional Judge,
Family Court,
Chennai.

+2ccs to Mr.M.Murali, Advocate, S.R.No.37909

TR.C.M.P.NO.239 OF 2022

SVI (CO)
PBS/07/07/2022