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Tr.C.M.P.No.225 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.225 of 2022 and
C.M.P.No.4563 of 2022

R. Ramya

... Petitioner

..Vs..

P. Prakash

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the case in HMOP.No.17/2022 from the Family Court, Coimbatore and transfer the same to Sub Court, Udumalpet.

For Petitioner : Mr.Udaya P.S.Menon

For Respondent : No appearance

ORDER

This petition is filed to withdraw the case in H.M.O.P.No.17 of 2022, pending on the file of the Family Court, Coimbatore and transfer the same to Sub Court, Udumalpet.

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2. Heard the learned counsel for the petitioner and perused the materials available on record. Though the notice was served on the respondent and his name printed in the cause list, there is no representation on behalf of the respondent.

3. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 05.03.2021 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.17 of 2022, on the file of the Family Court, Coimbatore, against the petitioner seeking divorce. Now, the petitioner herein who is the wife has preferred the present petition to withdraw H.M.O.P.No.17 of 2022 pending on the file of Family Court, Coimbatore and transfer the same to the file of the Sub Court, Udumalpet.

4. The petitioner has stated that she is staying with her aged



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parents and it is very difficult for the petitioner to travel from Udumalpet to Coimbatore, for attending the Court proceedings at Coimbatore.

5. 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 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.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.17 of 2022 filed by the Respondent is



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ordered to be withdrawn from the file of Family Court, Coimbatore and transferred to the file of the Sub Court, Udumalpet. The learned Judge, Family Court, Coimbatore is directed to transmit all the records pertaining to H.M.O.P.No.17 of 2022 to the file of the Sub Court, Udumalpet, 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.

01.07.2022

Index:Yes/No

Speaking Order:Yes/No

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To

1.The Judge, Family Court, Coimbatore.

2.The Judge, Sub Court, Udumalpet.



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R.N.MANJULA, J.

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