

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

TR.C.M.P.NO.240 OF 2022

AND

C.M.P.NO.4867 OF 2022

Priya

... Petitioner

..Vs..

R.Sargunan

... Respondent

PRAYER:-

Petition is filed under Section 24 of C.P.C., to transfer proceedings in H.M.O.P.No.50 of 2021 pending on the file of the Subordinate Judge, Arakkonam to the Family Court, Chennai.

For Petitioner : Mr.R.Manoharan

For Respondent : Mr.D.Devendran

O R D E R

This petition is filed to withdraw H.M.O.P.No.50 of 2021 pending on the file of the Subordinate Judge, Arakkonam and transfer the same to the Family Court, Chennai.

2. Heard the learned counsel for the petitioner as well as the 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 10.07.2013 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.50 of 2021 pending on the file of the learned Subordinate Judge, Arakkonam 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.50 of 2021 on the file of the learned Subordinate Judge, Arakkonam and transfer the same to the file of the learned Judge, Family Court, Chennai.

4. The petitioner has stated that she is staying with her aged parents and also suffering from some ailment and it is very difficult for her to travel from Chennai to Arakkonam for attending the Court proceedings at Arakkonam.

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.50 of 2021 filed by the Respondent is ordered to be withdrawn from the file of Subordinate Court, Arakkonam and transferred to the file of the Family Court, Chennai. The learned Judge, Subordinate Court, Arakkonam, is directed to transmit all the records pertaining to H.M.O.P.No.50 of 2021 to the file of the Family Court, Chennai, 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 III)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Subordinate Judge,
Arakkonam.
2. The Judge,
The Family Court,
Chennai.

+2ccs to Mr.R.Manoharan, Advocate, S.R.No.38445

TR.C.M.P.NO.240 OF 2022 AND
C.M.P.NO.4867 OF 2022

SSI(CO)
PBS/13/07/2022