



Tr.C.M.P.No.273 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.273 of 2022
and C.M.P.No.5428 of 2022

V.Loganayagi @ Sumathi

... Petitioner

..Vs..

Prabu

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., pleaded to withdraw the case in H.M.O.P.No.140 of 2021 pending on the file of learned Subordinate Court, Virudhachalam and transfer the same to the learned Subordinate Court, Neyveli.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.G.Kadhiresan



Tr.C.M.P.No.273 of 2022

ORDER

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This petition is filed to withdraw H.M.O.P.No.140 of 2022 pending on the file of the Subordinate Court, Virudhachalam and transfer the same to the file of the Subordinate Court, Neyveli.

2. Heard the learned counsel appearing for both the petitioner and 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 02.09.2009 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.140 of 2021, on the file of the Subordinate Court, Virudhachalam, 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.140 of 2021 pending on the file of the Subordinate Court, Virudhachalam and transfer the same to the file of the Subordinate Court, Neyveli.



Tr.C.M.P.No.273 of 2022

WEB COPY

4. The petitioner has stated that now she is residing with her aged parents and it is very difficult for her to travel from Neyveli to Virudhachalam, for attending the Court proceedings at Virudhachalam.

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.



Tr.C.M.P.No.273 of 2022

WEB COPY

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

The petition in H.M.O.P.No.140 of 2021 filed by the Respondent is ordered to be withdrawn from the file of the Subordinate Court, Virudhachalam and transferred to the file of the Subordinate Court, Neyveli. The learned Judge, Subordinate Court, Virudhachalam, is directed to transmit all the records pertaining to H.M.O.P.No.140 of 2021 to the file of the Subordinate Court, Neyveli, 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.

23.06.2022

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Index:Yes/No

Speaking Order:Yes/No

To

- 1.The Judge, Subordinate Court, Virudhachalam.
- 2.The Judge, Subordinate Court, Neyveli.



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Tr.C.M.P.No.273 of 2022

R.N.MANJULA, J.

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23.06.2022