

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

TR.C.M.P.NO.259 OF 2022

AND

C.M.P.NO.5142 OF 2022

S.Vijayarasi

... Petitioner/Respondent

..Vs..

S.Velmurugan

... Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.08 of 2022, pending on the file of the Subordinate Court, Chidambaram, Cuddalore District and transfer the same Principal Subordinate Court, Vriddhachalam, Cuddalore District.

For Petitioner : Mrs.AL.Ganthimathi

For Respondent : Mr.D.Sivakumar

O R D E R

This petition is filed to withdraw the proceedings in H.M.O.P.No.08 of 2022, pending on the file of the Subordinate Court, Chidambaram, Cuddalore District and transfer the same Principal Subordinate Court, Vriddhachalam, Cuddalore District.

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 17.04.2019 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.08 of 2022, on the file of

the Subordinate Court, Chidambaram, Cuddalore District, 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.08 of 2022 pending on the file of Subordinate Court, Chidambaram, Cuddalore District and transfer the same to the Principal Subordinate Court, Vriddhachalam, Cuddalore District.

4. The petitioner has stated that she is staying with her 2 ½ years girl child and her aged parents; it is very difficult for the petitioner to travel from Vriddhachalam to Chidambaram, for attending the Court proceedings at Chidambaram.

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.08 of 2022 filed by the Respondent is ordered to be withdrawn from the file of Subordinate Court, Chidambaram, Cuddalore District and transferred to the file of the Principal Subordinate Court, Vriddhachalam, Cuddalore District. The learned Judge, Subordinate Court, Chidambaram, Cuddalore District, is directed to transmit all the records pertaining to H.M.O.P.No.08 of 2022 to the file of the Principal Subordinate Court, Vriddhachalam, Cuddalore District, 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-V)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Subordinate Judge,  
Chidambaram, Cuddalore District.
2. The Principal Subordinate Judge,  
Vriddhachalam, Cuddalore District.

+1cc to M/s.AL.Ganthimathi, Advocate, S.R.No.39535

Tr.C.M.P.No.259 of 2022 and  
C.M.P.No.5142 of 2022

CA(CO)  
RLP(12/07/2022)