



Tr.C.M.P.No.248 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.248 of 2022 and
C.M.P.No.5039 of 2022

K.Gowrishankari

... Petitioner

..Vs..

S.Anandakumar

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.282 of 2020, pending on the file of the learned I Additional Family Judge, Coimbatore and to transfer the same to the file of the learned Subordinate Judge, Paramathi.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.S.Mukunth for
M/s.Sarvabhumah Associates

ORDER

This petition is filed to withdraw the proceedings in H.M.O.P.No.282 of 2020, pending on the file of the learned I Additional



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Family Judge, Coimbatore and to transfer the same to the file of the learned Subordinate Judge, Paramathi.

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 03.02.2017 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.282 of 2020, pending on the file of the I Additional 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.282 of 2020, pending on the file of the I Additional Family Court, Coimbatore and transfer the same to the Subordinate Court, Paramathi.



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4. The petitioner has stated that she is staying with her aged parents and it is very difficult for the petitioner to travel from Paramathi to Coimbatore, for attending the Court proceedings at Coimbatore.

5.The learned counsel for the respondent submitted that except the grievance about the distance between Coimbatore to Paramathi, the petitioner did not state any reason for seeking transfer to Paramathi and the relief sought for by the petitioner would equally cause inconvenience to the respondent and hence, the petition should be dismissed.

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 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



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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 H.M.O.P.No.282 of 2020 filed by the Respondent is ordered to be withdrawn from the file of the I Additional Family Court, Coimbatore and transferred to the file of the Subordinate Court, Paramathi. The learned I Additional Judge, Family Court, Coimbatore is directed to transmit all the records pertaining to H.M.O.P.No.282 of 2020 to the file of the Subordinate Court, Paramathi, 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.

05.07.2022

Index: Yes/No
Speaking Order: Yes/No
vkr

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- 1.The I Additional Judge, Family Court, Coimbatore.
- 2.The Judge, Subordinate Court, Paramathi.



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R.N.MANJULA,J.

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