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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.267 of 2022
and
C.M.P.No.5310 of 2022

M.Sathya ... Petitioner / Respondent

..Vs..

V.K.Vilvabharath ... Respondent / Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the HMOP.No.436 of 2022 pending on the file of the II Additional Family Court, Chennai and transfer the same to the Principal Family Court at Tuticorin.

For Petitioner : Mr.J.Karthik

For Respondent : Mr.M.Thiyagarajan

O R D E R

This petition is filed to withdraw the HMOP.No.436 of 2022 pending on the file of the II Additional Family Court, Chennai and transfer the same to the Principal Family Court at Tuticorin.

2. Heard the learned counsel appearing on either side 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 05.06.2015 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.436 of 2022 on the file of the II Additional Family Court, Chennai, 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.436 of 2022 pending on the file of the II Additional Family Court, Chennai and transfer the same to the file of the Principal Family Court, Tuticorin.



4. The petitioner has stated that she is staying with her aged parents and it is very difficult for her to travel from Tuticorin to Chennai covering a distance of about 600 Kms for attending the Court proceedings at Chennai.

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5. The learned counsel for the respondent submitted that this petition for transfer has been filed only to drag on the proceedings and prayed for dismissal of the transfer petition.

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 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.436/2022 filed by the Respondent is ordered to be withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the Principal Family Court, Tuticorin. The learned II Additional Family Judge, Chennai is directed to transmit all the records pertaining to H.M.O.P.No.436/2022 to the file of the Principal Family Court, Tuticorin, 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)

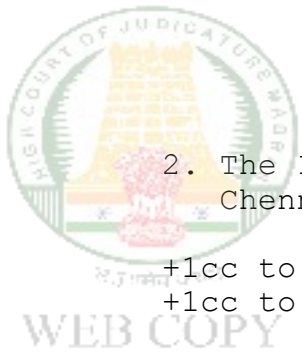
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Sub Assistant Registrar

dsa

To

1. The Principal Judge, Family Court,
Tuticorin.



2. The II Additional Judge, Family Court,
Chennai.

+1cc to Mr.J.Karthik, Advocate, S.R.No.34737

+1cc to Mr.M.Thiyagarajan, Advocate, S.R.No.35511

Tr.C.M.P. No.267 of 2022
and
C.M.P.No.5310 of 2022

SVI[co]
NSK/30/06/2022