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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

TR.C.M.P.NO.367 OF 2022

AND

C.M.P.NO.6956 OF 2022

V.Kalaivani

... Petitioner/
Respondent

Vs.

M.Baskar

... Respondent/
Petitioner

Prayer:-

Petition has been filed under Section 24 of C.P.C., to withdraw HMOP.No.163 of 2021 from the file of the Principal Sub Court, Tindivanam and transfer the same to the file of Sub Court, Valliyoor, Tirunelveli District.

For Petitioner : Mr.G.Mageshkumar
For Respondent : Mr.G.Baskar

O R D E R

This petition has been preferred to withdraw HMOP.No.163 of 2021 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to the file of the Sub Court, Valliyoor, Tirunelveli District.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and also 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 12.11.2010 as per Christian rites and customs. Since the relationship between the couple went bitter, the Respondent/Husband filed HMOP.No.163 of 2021 on the file of the Principal Sub Court, Tindivanam against the petitioner seeking divorce. Now, the petitioner herein who is the wife has preferred the present petition to withdraw HMOP.No.163 of 2021 pending on the file of the Principal Sub Court, Tindivanam and transfer the same to the file of Sub Court, Valliyoor,



Tirunelveli District.

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

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, 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]. In fact 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 HMOP.No.163 of 2021 filed by the Respondent is ordered to be withdrawn from the file of the Principal Sub Court, Tindivanam and transferred to the file of the Sub Court, Valliyoor, Tirunelveli District. The learned Judge, Principal Sub Court, Tindivanam is directed to transmit all the records pertaining to HMOP.No.163 of 2021 to the file of the Sub Court, Valliyoor, Tirunelveli 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 II)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Judge,
Principal Sub Court,
Tindivanam.



2. The Judge,
Sub Court, Valliyoor,
Tirunelveli District.

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+1cc to Mr.G.Mageshkumar, Advocate, S.R.No.37809

+1cc to Mr.G.Baskar, Advocate, S.R.No.38512

Tr.C.M.P.No.367 of 2022
and
C.M.P.No.6956 of 2022

JP II (CO)
PM/07/07/2022