

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.334 of 2022 and
C.M.P.No.6642 of 2022

Shalini.M.P.

... Petitioner

..Vs..

Sabarinivas

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw and transfer the proceedings in H.M.O.P.No.15 of 2022, from the learned Subordinate Judge, Ranipet to the learned Subordinate Judge, Poonamallee.

For Petitioner : Mr.R.Perumal Raj

For Respondent : No appearance

O R D E R

This petition is filed to withdraw and transfer the proceedings in H.M.O.P.No.15 of 2022, from the learned Subordinate Judge, Ranipet to the learned Subordinate Judge, Poonammallee.

2.Heard the learned counsel for the petitioner 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 13.06.2008 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.15 of 2022, on the file of the Subordinate Court, Ranipet, 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.15 of 2022 pending on the file of learned Subordinate Judge, Ranipet and transfer the same to the file of the learned Subordinate Judge, Poonammallee.

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

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]. 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.15/2022, filed by the Respondent is ordered to be withdrawn from the file of the Subordinate Judge, Ranipet and transferred to the file of the Subordinate Judge, Poonammallee. The learned Subordinate Judge, Ranipet, is directed to transmit all the records pertaining to H.M.O.P.No.15/2022 to the file of the Subordinate Judge, Poonammallee, 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 VI)

//True Copy//

Sub Assistant Registrar

gsk

To

- 1.The Subordinate Judge, Ranipet.
- 2.The Subordinate Judge, Poonammallee.

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C.M.P.No.6642 of 2022

NK(CO)
CT/29/07/2022