



Tr.C.M.P.No.309 of 2022

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.309 of 2022
and C.M.P.No.6270 of 2022

Dr.N.Kavya Priyadharshini

... Petitioner

..Vs..

Dr.Sathish

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw HMOP.No.33 of 2022 pending on the file of the Family Court, Karur and transfer the same to the Family Court, Salem to be tried along with HMOP.No.65 of 2022 on the file of the Family Court, Salem.

For Petitioner : Ms.J.Prithivi

For Respondent : No appearance

ORDER

This petition is filed to withdraw HMOP.No.33 of 2022 pending on the file of the Family Court, Karur and transfer the same to the Family



Tr.C.M.P.No.309 of 2022

Court, Salem to be tried along with HMOP.No.65 of 2022 on the file of the Family Court, Salem.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though the notice was served on the respondent and his name printed in the cause list, there is no representation on behalf of the respondent.

3.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 08.03.2017 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.OP.No.33 of 2022 on the file of the Family Court, Karur, against the Petitioner seeking divorce. The petitioner/ Wife filed H.M.O.P.No.65 of 2022 on the file of the Family Court, Salem seeking restitution of conjugal rights. Now, the Petitioner herein who is the wife has preferred the present petition to withdraw H.M.O.P.No.33 of 2022 pending on the



Tr.C.M.P.No.309 of 2022

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file of the Family Court, Karur and transfer the same to the file of Family Court, Salem to be tried along with H.M.O.P.No.65 of 2022.

4. The petitioner has stated that she is staying with her parents and HMOP.No.65 of 2022 is pending on the file of the Family Court, Salem, hence he prays to withdraw the HMOP.No.33 of 2022 pending on the file of the Family Court, Karur and transfer to Family Court, Salem to be tried along with HMOP.No.65 of 2022.

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



Tr.C.M.P.No.309 of 2022

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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.33/2022 filed by the Respondent is ordered to be withdrawn from the file of Family Court, Karur and transferred to the file of the Family Court, Salem. The learned Family Court Judge, Karur is directed to transmit all the records pertaining to H.M.O.P.No.33/2022 to the file of the Family Court, Salem, within a period of two weeks from the date of receipt of a copy of this order to be tried along with H.M.O.P.No.65 of 2022. No costs. Consequently, connected Miscellaneous Petition is closed.

13.06.2022

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Index : Yes/No

Speaking Order : Yes / No

4/6



Tr.C.M.P.No.309 of 2022

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To

- 1.The Family Court Judge, Karur.
- 2.The Family Court Judge, Salem.



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Tr.C.M.P.No.309 of 2022

R.N.MANJULA,J.

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Tr.C.M.P. No.309 of 2022

13.06.2022