

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2022
CORAM :
THE HONOURABLE MS. JUSTICE R.N.MANJULA
Tr.C.M.P.No.385 of 2022
and C.M.P.No.7438 of 2022

Padmavathy @ S.Shrimathi ... Petitioner/ Respondent

Vs

C.Pragadeesh ... Respondent/ Petitioner

(Cause title accepted vide Court dated 13.04.2022
made in C.M.P.6426 of 2022 in Tr.C.M.P.SR.35749/2022)

Prayer:- Petition is filed under Section 24 of C.P.C., pleased to order withdrawal of H.M.O.P.No.1986 of 2021 from the file of the Additional Principal Family Court at Coimbatore and transfer the same to the Principal Subordinate Court, Virudhachalam.

For Petitioner : Mr.G.Anabayachozhan
For Respondent : No Appearance

O R D E R

This Petition has been filed to withdraw H.M.O.P.No.1986 of 2021 pending on the file of the Additional Principal Family Court, Coimbatore and transfer it to the Principal Subordinate Court, Virudhachalam.

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 14.06.2019 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.1986 of 2021, on the file of the Additional Principal 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.1986 of 2021 pending on the file of the Additional Principal Family Court, Coimbatore and transfer the same to the file of the Principal Subordinate Court, Virudhachalam.

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

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 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.1986 of 2021 filed by the Respondent is ordered to be withdrawn from the file of Additional Principal Family Court, Coimbatore and transferred to the file of Principal Subordinate Court, Virudhachalam. The learned Judge, Additional Principal Family Court, Coimbatore is directed to transmit all the records pertaining to H.M.O.P.No.1986 of 2021 to the file of the Principal Subordinate Court, Virudhachalam, 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 VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
Additional Principal Family Court, Coimbatore.

2.The Judge,
Principal Subordinate Court, Virudhachalam.

+1 cc to Mr.G.Anabayachozhan, Advocate Sr.NO. 40292

Tr.C.M.P.No.385 of 2022
and C.M.P.No.7438 of 2022

SSN(CO)
A.SK(18/07/2022)