



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.318 of 2022
and
C.M.P.No.6369 of 2022

K.Yogapriya

... Petitioner

..Vs..

P.R.Madhavan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.34 of 2021 on the file of the Family Court, Nagapattinam to the Subordinate Judge, Ponneri and tried along with H.M.O.P.No.159 of 2021 on the file of Subordinate Judge, Ponneri.

For Petitioner : Mr.T.Gobinath

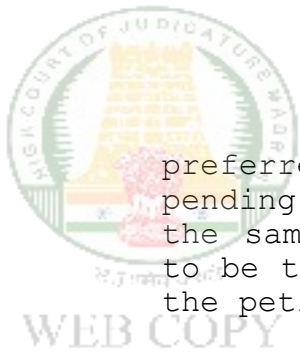
For Respondent : No appearance

O R D E R

This petition is filed to withdraw the H.M.O.P.No.34 of 2021 pending on the file of the Family Court, Nagapattinam and transfer the same to the file of the learned Subordinate Judge, Ponneri to be tried along with H.M.O.P.No.159 of 2021, which is filed by the petitioner / wife.

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 06.06.2019 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.OP.No.34 of 2021 on the file of the Family Court, Nagapattinam, 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.34 of 2021 pending on the file of Family Court, Nagapattinam and transfer the same to the file of the learned Subordinate Judge, Ponneri to be tried along with H.M.O.P.No.159 of 2021, which is filed by the petitioner / wife.

4. The petitioner has stated that she is staying with her aged mother and it is very difficult for her to travel from Chennai to Nagapattinam covering a distance of 320 Kms for attending the Court proceedings at Nagapattinam.

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.34/2021 filed by the Respondent is ordered to be withdrawn from the file of Family Court, Nagapattinam and transferred to the file of the Subordinate Court, Ponneri to be tried along with H.M.O.P.No.159 of 2021, which is filed by the petitioner/wife. The learned Judge, Family Court, Nagapattinam is directed to transmit all the records pertaining to H.M.O.P.No.34/2021 to the file of the Subordinate Court, Ponneri, 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

vkrr



To

1. The Judge,
Family Court,
Nagapattinam.
2. The Subordinate Judge,
Ponneri.

+1cc to Mr.T.Gobinath, Advocate, S.R.No.33377

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PL(CO)
UMA(17/06/2022)