



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.366 of 2022
and C.M.P.No.6957 of 2022

V.Ramya ...Petitioner/Respondent

..Vs..

M.Dinakaran ...Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.137 of 2021, pending on the file of the Sub- Court at Tirupattur and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.T.Shanmughaboopathi

For Respondent : Mr.M.Dinakaran (party-in-person)

O R D E R

This petition is filed to withdraw the proceedings in H.M.O.P.No.137 of 2021, pending on the file of the Sub Court at Tirupattur and transfer the same to the Family Court, Chennai.

2.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent 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 19.02.2018 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.137 of 2021, on the file of the Sub Court, Tirupattur, 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.137 of 2021 pending on the file of Sub Court, Tirupattur and transfer the same to the file of the learned Judge, Family Court, Chennai.

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



5. The respondent husband submitted that it will not be convenient for him, if the matter is transferred as requested by the petitioner.

6. 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.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.137 of 2021 filed by the Respondent is ordered to be withdrawn from the file of Sub Court, Tirupattur and transferred to the file of the Family Court, Chennai. The learned Judge, Sub Court, Tirupattur, is directed to transmit all the records pertaining to H.M.O.P.No.137 of 2021 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. The learned Judge, Family Court, Chennai, is directed to dispose the matter as expeditiously as possible by being liberal in dispensing the appearance of the respondent, whenever requested. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Judge, Sub Court, Tirupattur.

2.The Judge, Family Court, Chennai.

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RGN (CO)

PR (04/07/2022)

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