

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.320 OF 2022

AND

C.M.P.NOS.6420 & 6421 OF 2022

G.Deepa

... Petitioner/
Respondent

Vs

K.P.Premkumar

... Respondent/
Petitioner

Prayer :-

Petition is filed under Section 24 of C.P.C., pleaded to withdraw the proceedings in H.M.O.P.No.1235 of 2021 now pending on the file of the Principal Family Court at Chennai and transfer the same to the file of the Family Court at Salem.

For Petitioner : Mr.D.Venkateswara Rao
For Respondent : No Appearance

O R D E R

This Petition has been filed to withdraw H.M.O.P.No.1235 of 2021 pending on the file of the Principal Family Court, Chennai and transfer it to 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 30.07.2010 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.1235 of 2021, on the file of the Principal Family Court, Chennai, 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.1235 of 2021 pending on the file of the Principal Family Court, Chennai and transfer the same to the file of the Family Court, Salem.

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

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.1235 of 2021 filed by the Respondent is ordered to be withdrawn from the file of Principal Family Court, Chennai and transferred to the file of Family Court, Salem. The learned Judge, Principal Family Court, Chennai is directed to transmit all the records pertaining to H.M.O.P.No.1235 of 2021 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. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgi

To

1. The Judge, Principal Family Court,
Chennai.
2. The Judge,
Family Court, Salem.

+1cc to Mr.Elizabeth Ravi, Advocate, S.R.No.40634

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SSN(CO)
PM/19/07/2022