

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.363 OF 2022

AND

C.M.P.NO.6845 OF 2022

K.Kirthika

... Petitioner

..Vs..

P.Karthigaichelvan

... Respondent

Prayer:-

Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in FCOP No.20 of 2022, pending before the Judge, Family Court, Vellore and transfer the same to the Judge, Family Court, Coimbatore filed by the petitioner/husband for restitution of conjugal rights.

For Petitioner : Mr.P.Chandrasekar

For Respondent : No appearance

O R D E R

This petition is filed to withdraw the proceedings in FCOP No.20 of 2022, pending before the Family Court, Vellore and transfer the same to the Family Court, Coimbatore.

2.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent, no appearance 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 12.09.2019 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed FCOP No.20 of 2022, on the file of the Family Court, Vellore, against the petitioner seeking divorce. Now, the petitioner herein who is the wife has preferred the

present petition to withdraw FCOP No.20 of 2022 pending on the file of Family Court, Vellore and transfer the same to the file of the learned Judge, Family Court, Coimbatore.

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

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 FCOP No.20 of 2022 filed by the Respondent is ordered to be withdrawn from the file of Family Court, Vellore and transferred to the file of the Family Court, Coimbatore. The learned Judge, Family Court, Vellore, is directed to transmit all the records pertaining to FCOP No.20 of 2022 to the file of the Family Court, Coimbatore, 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

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Judge, Family Court, Vellore.

2.The Judge, Family Court, Coimbatore.

+1cc to Mr.P.Chandrasekar, Advocate, S.R.No.36331

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AJS(CO)
PM/12/07/2022