

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Tr.C.M.P. No.375 of 2022
and C.M.P. No.7189 of 2022

Suganya ... Petitioner

versus

B.Sabariskumar ... Respondent

PRAYER: Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.12 of 2022 on the file of the Sub Court, Sankakiri and transfer the same to the Sub Court, Villupuram.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.P.Yuvaraj

O R D E R

This petition is filed to withdraw H.M.O.P.No.12 of 2022 from the file of the Sub Court, Sankakiri and transfer the same to the file of the Sub Court, Villupuram.

2. Heard the learned counsel for the petitioner as well as learned counsel appearing for the respondent.

3. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 30.04.2020 as per Hindu Rites and Customs. Since the relationship between the couples went bitter, the respondent/husband filed H.M.O.P.No.12 of 2022 on the file of the Sub Court, Sankakiri, 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.12 of 2022 pending on the file of the Sub Court, Sankakiri and transfer the same to the file of Sub Court, Villupuram.

4. The petitioner is said to be staying with her aged parents and it is very difficult for her to travel from Villupuram to Sankakiri covering a distance of 230 Kms for attending the Court proceedings at Sankakiri.

5. The learned counsel appearing for the respondent submitted that this petition for transfer has been filed only to drag on the proceedings and prayed for dismissal of the transfer petition.

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 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 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 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, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.12 of 2022 filed by the respondent is ordered to be withdrawn from the file of the Sub Court, Sankakiri and transferred to the file of Sub Court, Villupuram. The learned Subordinate Judge, Sankakiri is directed to transmit all the records pertaining to H.M.O.P.No.12 of 2022 to the file of the Sub Court, Villupuram, within a period of two weeks from the date of receipt of a copy of this order. However, there is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

sri

To

1.The Sub Court, Sankakiri.

2.The Sub Court, Villupuram.

+1cc to Mr.SP.Yuaraj, Advocate SR.No.41143

+1cc to Mr.K.Sudhakar, Advocate SR.No.41079

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CB(11/07/2022)