

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

TR.C.M.P.NO.415 OF 2022

AND

C.M.P.NO.7657 OF 2022

M.Nandhini ... Petitioner/Respondent

..Vs..

V.Gokulraj ... Respondent/Petitioner

PRAYER:-

Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.335 of 2021, pending on the file of the Principal Sub Judge, Ponneri and transfer the same to the file of the II Additional Judge, Family Court, Chennai for disposal along with O.P.No.3631 of 2021.

For Petitioner : M/s.G.V.Shoba

For Respondent : No appearance

O R D E R

This petition is filed to withdraw the proceedings in H.M.O.P.No.335 of 2021, pending on the file of the Principal Sub Judge, Ponneri and transfer the same to the file of the II Additional Judge, Family Court, Chennai, to be tried along with O.P.No.3631 of 2021.

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 24.03.2019 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the

Respondent/Husband filed H.M.O.P.No.335 of 2021, on the file of the Principal Sub Court, Ponneri, 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.335 of 2021 pending on the file of the Principal Sub Court, Ponneri and transfer the same to the file of the II Additional Judge, Family Court, Chennai, to be tried along with O.P.No.3631 of 2021, which is filed by the petitioner/wife.

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

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.335 of 2021 filed by the Respondent is ordered to be withdrawn from the file of Principal Sub Court, Ponneri and transferred to the file of the II Additional Judge, Family Court, Chennai to be tried along with H.M.O.P.No.3631 of 2021, which is filed by the petitioner/wife. The learned Judge, Principal Sub Court, Ponneri, is directed to transmit all the records pertaining to H.M.O.P.No.335 of 2021 to the file of the II Additional Judge, Family Court, Chennai, 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 V)

//True Copy//

Sub Assistant Registrar

vkrr

To

1. The Principal Sub Judge,
Ponneri.
2. The II Additional Judge,
Family Court, Chennai.

+1cc to M/s.G.V.Shoba, Advocate, S.R.No.39265

TR.C.M.P.NO.415 OF 2022 AND
C.M.P.NO.7657 OF 2022

CA(CO)
PBS/12/07/2022