



Tr.C.M.P.No.459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.459 of 2022
and C.M.P.No.8300 of 2022

S.Shiny Monisha

... Petitioner

..Vs..

S.Sebastin Francis

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw D.O.P.No.36 of 2022 from the file of the learned Principal District Judge, Villupuram and transfer the same to the file of the learned Principal District Judge, Krishnagiri.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Mr.P.Paramasiva Doss

ORDER

This petition is filed to withdraw D.O.P.No.36 of 2022 pending on the file of the learned Principal District Judge, Villupuram and transfer the same to the file of the learned Principal District Judge, Krishnagiri.



Tr.C.M.P.No.459 of 2022

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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 30.10.2019 as per Christian rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed D.O.P.No.36 of 2022 on the file of the learned Principal District Judge, Villupuram against the petitioner seeking divorce. Now, the petitioner herein who is the wife has preferred the present petition to withdraw D.O.P.No.36 of 2022 on the file of the learned Principal District Judge, Villupuram and transfer the same to the file of the learned Principal District Judge, Krishnagiri.

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

5. The learned counsel for the respondent submitted that the parties



Tr.C.M.P.No.459 of 2022

have amicably settled the issues between themselves and he has no objection to transfer the D.O.P.No.36 of 2022 from the file of the learned Principal District, Judge, Villupuram to the file of the learned Principal District, Judge, Krishnagiri. However, he requested before this Court to fix a short time for transferring the records.

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 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



Tr.C.M.P.No.459 of 2022

that the prayer of the petitioner should be considered favourably.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in D.O.P.No.36 of 2022 filed by the Respondent is ordered to be withdrawn from the file of the Principal District Court, Villupuram and transferred to the file of the Principal District Court, Krishnagiri. The learned Principal District Judge, Villupuram is directed to transmit all the records pertaining to D.O.P.No.36 of 2022 to the file of the Principal District Judge, Krishnagiri, 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.

11.07.2022

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Index:Yes/No

Speaking Order:Yes/No

Note:Issue order copy on 12.07.2022

To

1.The Principal District Judge, Villupuram.

4/6



Tr.C.M.P.No.459 of 2022

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2.The Principal District Judge, Krishnagiri.

R.N.MANJULA,J.



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Tr.C.M.P.No.459 of 2022

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Tr.C.M.P. No.459 of 2022
and C.M.P.No.8300 of 2022

11.07.2022