

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.06.2022
CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

TR.CMP.No.439 of 2022
and
CMP.No.8081 of 2022

K.Kalaiselvi ... Petitioner

Vs.

A.Sathishkumar ... Respondent

PRAYER: The Memorandum of Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.1999 of 2021 on the file of the Sub Court, Alandur and transfer the same to the Sub Court, Devakottai.

For Petitioner : Mr.E.Gomathi
For Respondent : No appearance

ORDER

The petition has been preferred to withdraw H.M.O.P.No.1999 of 2021 on the file of the Sub Court, Alandur and transfer the same to the Sub Court, Devakottai.

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, today.

3. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 12.05.2016 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the respondent/husband has initially filed a petition in HMOP.No.1999 of 2021 on the file of the Sub Court, Alandur, seeking for divorce. Now, the petitioner herein has preferred the present petition to withdraw HMOP.No.1999 of 2021 on the file of the Sub court, Alandur, and transfer the same to the Sub court Devakottai.

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

5. It is needless to say that in the matrimonial proceedings, preference should be given to the convenience of the wife. The said position has been settled in various judgements of the Hon'ble Supreme Court and more particularly the Judgement 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]. In fact 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 present Transfer Civil Miscellaneous Petition is allowed. The petition in HMOP.No.1999 of 2021 filed by the respondent is ordered to be withdrawn from the file of the Sub Court Alandur and is transferred to the file of the Sub Court, Devakottai. The learned subordinate Judge, Alandur is directed to transmit all the records pertaining to HMOP.No.1999 of 2021 to the file of the Sub Court, Devakootai, within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jrs
To

1. The Judge, Sub Court, Alandur
- 2.The Judge, Sub Court, Devakottai.

Copy to:
The Section Officer,
VR Section,
High Court,Madras

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PL(CO)
A.SK(15/07/2022)