



Tr.C.M.P.No.447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.447 of 2022 and
C.M.P.No.8150 of 2022

S.Sindhuja

... Petitioner

..Vs..

R.Sathish Kumar

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.525 of 2021, pending on the file of the Family Court, Trichy and to transfer the same to the file of the Family Court, Mannargudi to be tried along with H.M.O.P.No.34 of 2022.

For Petitioner : Mr.R.Karthik

For Respondent : Dr.G.Babu

ORDER

This petition is filed to withdraw the proceedings in H.M.O.P.No.525 of 2021, pending on the file of the Family Court, Trichy and to transfer the same to the file of the Family Court, Mannargudi to be



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tried along with H.M.O.P.No.34 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 01.06.2017 as per Hindu Rites and Customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.O.P.No.525 of 2021, pending on the file of the Family Court, Trichy, 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.525 of 2021, pending on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Mannargudi to be tried along with H.M.O.P.No.34 of 2022, which is filed by the petitioner/wife.

4. The petitioner has stated that she is staying with her aged



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parents and it is very difficult for the petitioner to travel from Mannargudi to Trichy, for attending the Court proceedings at Trichy.

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.



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The petition in H.M.O.P.No.525 of 2021 filed by the Respondent is ordered to be withdrawn from the file of the Family Court, Trichy and transferred to the file of the Family Court, Mannargudi to be tried along with H.M.O.P.No.34 of 2022, which is filed by the petitioner/wife. The learned Family Judge, Trichy is directed to transmit all the records pertaining to H.M.O.P.No.525 of 2021 to the file of the Family Court, Mannargudi, 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.

05.07.2022

Index:Yes/No
Speaking Order:Yes/No
vkr

To

- 1.The Family Judge, Trichy.
- 2.The Family Judge, Mannargudi.

R.N.MANJULA,J.

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