



Tr.C.M.P.No.483 of 2022
and C.M.P.No.8827 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**Tr.C.M.P.No.483 of 2022
and
C.M.P.No.8827 of 2022**

V.Uma @ Uma Maheshwari

... Petitioner

Vs.

P.Sharmith Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw O.P.No.83 of 2022 pending on the file of Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Ms.A.Nancy Pushpalatha

For Respondent : No appearance

ORDER

This petition has been preferred to withdraw O.P.No.83 of 2022 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.

2. Heard the learned counsel for the petitioner and perused the



Tr.C.M.P.No.483 of 2022
and C.M.P.No.8827 of 2022

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materials available on record. Though notice was served on the respondent and his name is 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 11.11.2021 as per Hindu rites and customs. Since the relationship between the couple went bitter, the Respondent/Husband filed O.P.No.83 of 2022 on the file of the Family Court, Chengalpattu, against the petitioner, seeking divorce. Now, the petitioner herein who is the wife, has preferred the present petition to withdraw O.P.No.83 of 2022 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.

4. The petitioner has stated that she has filed M.C.No.211 of 2022 on the file of the IV Additional Family Court, Chennai against the respondent/husband seeking maintenance and also preferred domestic violence complaint against the respondent/husband and the same are



Tr.C.M.P.No.483 of 2022
and C.M.P.No.8827 of 2022

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pending. The petitioner further stated that she is staying with her parents and she has no independent source of income. Further she is unable to appear before the Family Court, Chengalpattu due to the threat given by the respondent/husband.

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, 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]**. 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 Transfer Civil Miscellaneous Petition is



Tr.C.M.P.No.483 of 2022
and C.M.P.No.8827 of 2022

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allowed. The petition in O.P.No.83 of 2022 filed by the Respondent is ordered to be withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Family Court, Chennai. The learned Judge, Family Court, Chengalpattu is directed to transmit all the records pertaining to O.P.No.83 of 2022 to the file of the 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.

20.06.2022

Index: Yes/No
Speaking Order: Yes/No
ms

To

1. The Judge,
Family Court,
Chengalpattu.

2. The Judge,
Family Court,
Chennai.

R.N.MANJULA, J.

Page No.4/5



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Tr.C.M.P.No.483 of 2022
and C.M.P.No.8827 of 2022

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**Tr.C.M.P.No.483 of 2022
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