



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Tr.C.M.P. No.490 of 2022

and

C.M.P.Nos.8899 and 8900 of 2022

M.Sowmiya

...Petitioner/Respondent

..Vs..

R.Subramania Bharathy

...Respondent/Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.61 of 2022 from the file of the Sub-Court, Tambaram and transfer it to the Sub-Court, Neyveli to be tried along with H.M.O.P.No.30 of 2022.

For Petitioner

: Mrs.V.Uma Shankari

For Respondent

: Mr.Amrit Raj

O R D E R

This petition is filed to withdraw the petition in H.M.O.P.No.61 of 2022 from the file of the Sub-Court, Tambaram and transfer it to the Sub-Court, Neyveli to be tried along with H.M.O.P.No.30 of 2022.

2Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and respondent was solemnized on 24.01.2020 as per Hindu rites and customs. Since, the relationship between the couples went bitter, the Respondent/Husband filed H.M.OP.No.61 of 2022 on the file of the Sub-Court, Tambaram, against the Petitioner seeking divorce. The petitioner also filed H.M.O.P.No.30 of 2022 against the respondent for divorce on the ground of cruelty and permanent alimony which is pending on the file of the Sub-Court, Neyveli. Now, the Petitioner herein who is the wife has preferred the



present petition to withdraw H.M.O.P.No.61 of 2022 pending on the file of Sub-Court, Tambaram and transfer the same to the file of Sub-Court, Neyveli.

4.The petitioner has stated that she is unemployed and has got no source of income and it is very difficult for her to travel alone from Neyvel to Chennai covering a distance of 217 Kms for attending the Court proceedings at Tambaram.

5.The learned counsel appearing for the Respondent submitted that this petition for transfer has been filed only to drag on the proceedings and prayed for dismissal of the transfer petition.

6.It is needless to state that in the 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]. 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.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.61 of 2022 filed by the Respondent is ordered to be withdrawn from the file of Sub-Court, Tambaram and transferred to the file of the Sub-Court, Neyveli and to be tried along with H.M.O.P.No.30 of 2022. The learned Judge, Sub-Court, Tambaram is directed to transmit all the records pertaining to H.M.O.P.No.61 of 2022 to the file of the Sub-Court, Neyveli, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

ssn



To

1. The Sub-Court,
Tambaram.

2. The Sub-Court,
Neyveli.

+1cc to Mrs.V.Umashankari, Advocate, S.R.No.33953

Tr.C.M.P. No.490 of 2022
and

C.M.P.Nos.8899 and 8900 of 2022

SVI (CO)
RGA (30/06/2022)