



Tr CMP.No.22 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.22 of 2024 &
CMP.No.720 of 2024

Sangeetha : Petitioner

versus

Ramar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the HMOP.No.221 of 2023 on the file of the Family Court, Perambalur to Sub Court, Attur.

For Petitioner : Ms.R.Poornima

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.221 of 2023 from the file of the Family Court at Perambalur and transfer the same to the file of the Sub Court in Attur.



Tr CMP.No.22 of 2024

WEB COPY

2. I heard Ms.R.Poornima for the petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 10.09.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.221 of 2023 for divorce before the learned Family Judge at Perambalur. Pleading that she is residing in Salem and unable to travel from Salem to Perambalur, the wife has moved this transfer petition.

5. The Parliament, while amending the Hindu Marriage Act, has incorporated Section 19(iii), permitting a wife to initiate a proceeding in a place where she is residing. This is an indication to the Court that the



Tr CMP.No.22 of 2024

convenience of the wife has to be given precedence by the Court. In line with this Parliamentary amendment, this Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance between Salem and Perambalur is considerable, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.221 of 2023 is withdrawn from the file of the Family Court at Perambalur and transferred to the file of the Sub Court at Attur.

7. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2025

nl

Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No



WEB COPY



Tr CMP.No.22 of 2024

V. LAKSHMINARAYANAN, J.
nl

To

- 1.The Subordinate Judge, Sub Court, Attur
- 2.The Family Judge, Family Court at Perambalur

Tr CMP.No.22 of 2024

31.01.2025