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Tr.C.M.P.No.66 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.66 of 2024
& C.M.P.No.1539 of 2024

K.Porselvi

.. Petitioner

Vs

M.Mohanram

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.4458 of 2023 pending on the file of the learned IV Additional Judge, Family Court at Chennai and transfer the same to the file of the learned Subordinate Judge at Poonamallee.

For Petitioner : Mr.J.Parthipan

For Respondent : Mr.P.Raja

ORDER



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I heard both sides. I have gone through the affidavit.

2.This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.4458 of 2023 from the file of the learned IV Additional Judge, Family Court at Chennai and transfer the same to the file of the learned Subordinate Judge at Poonamallee.

3.The petitioner married the respondent on 15.04.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.4458 of 2023 for divorce before the learned IV Additional Judge, Family Court at Chennai. Pleading that the wife is residing in Thiruvallur and unable to travel from Thiruvallur to Chennai, she has moved this transfer petition.

4.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 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



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should be given a superior consideration than that of the husband. As the distance between Thiruvallur and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.4458 of 2023 is withdrawn from the file of the learned IV Additional Judge, Family Court at Chennai and transferred to the file of the learned Subordinate Judge at Poonamallee.

6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

1. The IV Additional Judge, Family Court at Chennai.

2. The Subordinate Judge at Poonamallee.



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V. LAKSHMINARAYANAN,J.

Kj

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