



Tr CMP.No.98 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.98 of 2023 &
CMP.No.2130 of 2023

C.Lakshmi Priya : Petitioner

versus

R.Ranjithkumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case pending in HMOP.No.1012 of 2021 before the Subordinate Court, Alandur and to transfer the same to the file of the Family Court at Thoothukudi.

For Petitioner : Mr.S.Iyappan

For Respondent : Ms.M.R.Pramila

ORDER

This transfer seeks withdrawal of the HMOP.No.1012 of 2021 from the file of the Sub Court at Alandur and transfer the same to the file of the Family Court at Thoothukudi.



Tr CMP.No.98 of 2023

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

3. The petitioner married the respondent on 26.04.2019. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.1012 of 2021 for dissolution of marriage before the learned Subordinate Judge at Alandur. Pleading that she is residing in Thoothukudi and unable to travel from Thoothukudi to Alandur, the wife has moved this transfer petition.

4. Ms.M.R.Pramila appearing for the respondent/husband represents that the husband has no objection for allowing 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 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 Thoothukudi and Alandur is considerable and since it will be



Tr CMP.No.98 of 2023

difficult for the wife to leave the child behind and travel to attend the Court,

I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.1012 of 2021 is withdrawn from the file of the Sub Court at Alandur and is transferred to the file of the Family Court at Thoothukudi.

7. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

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

31.01.2025

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



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Tr CMP.No.98 of 2023

V. LAKSHMINARAYANAN, J.
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To

- 1.The Subordinate Judge, Sub Court, Alandur
- 2.The Family Judge, Family Court, Thoothukudi

Tr CMP.No.98 of 2023

31.01.2025