



WEB COPY



Tr.C.M.P.No.127 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.127 of 2024
& C.M.P.No.2669 of 2024

Shanmuga Priya

.. Petitioner

Vs

G.Rakkapan @ Sudandhiram

.. 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.94 of 2023 pending on the file of the learned Subordinate Judge at Melur and transfer the same to the file of the learned II Additional Subordinate Judge, Coimbatore.

For Petitioner : Mr.Om Sairam

For Respondent : Mr.R.Vinayaga Vishnu

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.94 of 2023 from the file of the learned



Tr.C.M.P.No.127 of 2024

Subordinate Judge at Melur and transfer the same to the file of the learned II Additional Subordinate Judge, Coimbatore.

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

3. The petitioner married the respondent on 31.05.2012. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in M.C.No.5 of 2021 seeking for maintenance before the learned Judicial Magistrate at Sulur, Coimbatore. The respondent/husband initiated proceedings in H.M.O.P.No.94 of 2023 for restitution of conjugal rights before the learned Subordinate Judge at Melur. Pleading that the wife is residing in Annur, Coimbatore District and unable to travel from Annur to Melur, 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



Tr.C.M.P.No.127 of 2024

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 Annur and Melur is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.94 of 2023 is withdrawn from the file of the learned Subordinate Judge at Melur and transferred to the file of the learned II Additional Subordinate Judge, Coimbatore.

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

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

kj



WEB COPY



Tr.C.M.P.No.127 of 2024

V. LAKSHMINARAYANAN,J.

Kj

To

1.The Subordinate Judge, Melur.

2.The II Additional Subordinate Judge, Coimbatore.

Tr.C.M.P.No.127 of 2024
& C.M.P.No.2669 of 2024

24.01.2025