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Tr.C.M.P.No.92 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.92 of 2023
& C.M.P.No.2047 of 2023

Saidivya

.. Petitioner

Vs

R.Karthikchandar

.. 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.420 of 2022 pending on the file of the learned Family Judge, Dindigul and transfer the same to the file of the learned Family Judge, Chennai.

For Petitioner : Mr.R.Arun
Ms.T.Dhakana

For Respondent : Mr.P.Venkatraman



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ORDER

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

3.The petitioner married the respondent on 30.10.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.420 of 2022 for divorce before the learned Family Judge, Dindigul. The petitioner/wife initiated proceedings in H.M.O.P.No.264 of 2025 before the learned Principal Family Judge, Chennai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Dindigul, 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



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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 Chennai and Dindigul is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.420 of 2022 is withdrawn from the file of the learned Family Judge, Dindigul and transferred to the file of the learned Principal Family Judge, Chennai. The learned Principal Family Judge, Chennai, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.264 of 2025, which is said to be pending on his file.

6. 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.



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7. 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

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To

1.The Family Court, Dindigul.

2.The Principal Family Court, Chennai.



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V. LAKSHMINARAYANAN,J.

Kj

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