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Tr.C.M.P.No.152 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.152 of 2024
& C.M.P.No.3081 of 2024

P.Soundarya

.. Petitioner

Vs

S.Giri Prasath

.. 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.14 of 2023 pending on the file of the learned Subordinate Judge at Salem and transfer the same to the file of the learned Subordinate Judge, Tiruchengode.

For Petitioner : Mr.V.Balamurugan

For Respondent : Ms.Elizabeth Ravi

ORDER

This transfer petition is at the instance of the wife. She seeks



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withdrawal of H.M.O.P.No.14 of 2023 from the file of the learned Subordinate Judge at Salem and transfer the same to the file of the learned Subordinate Judge at Tiruchengode.

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

3. The petitioner married the respondent on 03.06.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.14 of 2023 for restitution of conjugal rights before the learned Subordinate Judge at Salem. Pleading that the wife is residing in Tiruchengode and unable to travel from Tiruchengode to Salem, 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 should be given a superior consideration than that of the husband. As the distance between Tiruchengode and Salem is considerable, I am inclined



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to accept the transfer.

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5. Accordingly, H.M.O.P.No.14 of 2023 is withdrawn from the file of the learned Subordinate Judge at Salem and transferred to the file of the learned Subordinate Judge at Tiruchengode.

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

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To

1. The Subordinate Judge at Salem.

2. The Subordinate Judge at Tiruchengode.



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V. LAKSHMINARAYANAN,J.

Kj

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