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Tr.C.M.P.No.180 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.180 of 2024
& C.M.P.No.3566 of 2024

Deepa

.. Petitioner

Vs

Saravanan

.. 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.24 of 2023 pending on the file of the learned Subordinate Judge at Ramanathapuram and transfer the same to the file of the learned Family Judge, Tiruppur.

For Petitioner : Mr.M.Vignesh

For Respondent : No appearance



Tr.C.M.P.No.180 of 2024

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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.24 of 2023 from the file of the learned Subordinate Judge at Ramanathapuram and transfer the same to the file of the learned Family Judge, Tiruppur.

2. I heard Mr.M.Vignesh for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 24.03.2021. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.24 of 2023 for divorce before the learned Subordinate Judge at Ramanathapuram. Pleading that the wife is residing



Tr.C.M.P.No.180 of 2024

in Tiruppur and unable to travel from Tiruppur to Ramanathapuram, she

has moved 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 Tiruppur and Ramanathapuram is considerable and since it will be 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.24 of 2023 is withdrawn from the file of the learned Subordinate Judge at Ramanathapuram and transferred to the file of the learned Family Judge, Tiruppur.

7. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings,



Tr.C.M.P.No.180 of 2024

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.

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 Ramanathapuram.

2. The Family Judge, Tiruppur.



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Tr.C.M.P.No.180 of 2024

V. LAKSHMINARAYANAN,J.

Kj

Tr.C.M.P.No.180 of 2024
& C.M.P.No.3566 of 2024

24.01.2025