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Tr.C.M.P.No.256 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.256 of 2024
& C.M.P.No.5414 of 2024

Pavithra Chandrasekaran

.. Petitioner

Vs

Rajaprasanna Rajamannar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.4465 of 2023 pending on the file of the learned VI Additional Judge, Family Court, Chennai and transfer the same to the file of the learned Subordinate Judge at Mayiladuthurai.

For Petitioner : Mr.H.Adaikala Arockiaraj

For Respondent : Ms.Revathi G.Mohan
for Mr.N.Rajkumar

ORDER



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This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.4465 of 2023 from the file of the learned VI Additional Judge, Family Court, Chennai and transfer the same to the file of the learned Subordinate Judge at Mayiladuthurai.

2.The petitioner is the wife and the respondent is the husband. The petitioner married the respondent on 07.09.2022. Thereafter, due to disputes and differences, they have separated. The wife has initiated D.V.C.No.39 of 2024 on the file of the learned Judicial Magistrate at Mayiladuthurai. Prior to that, the husband has filed O.P.No.4465 of 2023 seeking for divorce on the file of the learned VI Additional Judge, Family Court, Chennai. Pleading that the wife is a permanent resident of Mayiladuthurai and finding it difficult to travel from Mayiladuthurai to Chennai, she has moved this transfer petition.

3.Notice was ordered and the husband has also entered appearance through Mr.N.Rajkumar.

4.I heard both sides. I have gone through the entire records.

5.The Parliament, while amending the Hindu Marriage Act, has



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

6. Accordingly, O.P.No.4465 of 2023 is withdrawn from the file of the learned VI Additional Judge, Family Court, Chennai and transferred to the file of the learned Subordinate Judge at Mayiladuthurai.

7. At this stage, Ms.Revathi G.Mohan submits that the parties have reached an advance stage of settlement. The learned Subordinate Judge at Mayiladuthurai, on receipt of the papers, shall enquire with the parties if they are willing for mediation. In case they are, he shall refer the parties to the Mediation centre attached to the Court for the purpose of attempting settlement through mediation.

8. With the above observations, the Transfer Petition is allowed.



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No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Subordinate Judge at Mayiladuthurai.
2. VI Additional Judge, Family Court at Chennai.

V. LAKSHMINARAYANAN,J.



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