



DATED: 24.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.892 of 2024

&

C.M.P.No.19508 of 2024

T. Sevvanthi

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Petitioner

1. P. Shanmugam

2. Deepan

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Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the O.P.No.8 of 2024 on the file of the learned Sub Court, Harur and transfer the same to the Hon'ble Sub Court, Uthangarai.

For Petitioner : Mr. K. Thiruvengadam

For Respondents : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.8 of 2024 on the file of the Sub Court at Harur



Tr.C.M.P.No.892 of 2024

and transfer the same to the Sub Court at Uthangarai.

WEB COPY 2. I heard the learned counsel for the petitioner. I have gone through the affidavit.

3. Though notice has been served on the first 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 15.03.2017. From the wedlock, they were blessed with three children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.P.No.8 of 2024 for divorce before the Sub Court at Harur. Pleading that the wife is residing in Uthangarai and unable to travel from Uthangarai to Harur, 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



Tr.C.M.P.No.892 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 Uthangarai and Harur 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.

6. Accordingly, O.P No.8 of 2024 is withdrawn from the file of the Sub Court, Harur and transferred to the file of the Sub Court, Uthangarai. The learned Sub Judge, Uthangarai, on transfer of the proceedings, shall re-number the same and proceed further.

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

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1. The Sub Court, Harur



Tr.C.M.P.No.892 of 2024

2.The Sub Court, Uthangarai

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V. LAKSHMINARAYANAN,J.

mrp

Tr.C.M.P.No.892 of 2024
&
C.M.P.No.19508 of 2024

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