



Tr.C.M.P.No.394 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.394 of 2024 & C.M.P.No.8267 of 2024

K.Karthika

.. Petitioner

Vs

P.Suryakumar

.. 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.15 of 2024 pending on the file of the learned Subordinate Judge, Ponneri, Thiruvallur and transfer the same to the file of the learned Subordinate Judge Mayiladuthurai, Mayiladuthurai District.

For Petitioner : Mr.Senthilnathan
For Respondent : Mr.P.Raja

ORDER

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

2.This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.15 of 2024 from the file of the learned Subordinate Judge, Ponneri, Thiruvallur and transfer the same to the file of the learned Subordinate Judge Mayiladuthurai, Mayiladuthurai District.



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3.The petitioner married the respondent on 21.08.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.15 of 2024 before the learned Subordinate Judge, Ponneri, Thiruvallur seeking for a declaration that the marriage is a nullity. Pleading that the wife is a permanent resident of Mayiladuthurai and unable to travel from Mayiladuthurai to Ponneri, 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 Mayiladuthurai and Ponneri is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.15 of 2024 is withdrawn from the file of the learned Subordinate Judge, Ponneri, Thiruvallur and transferred to the file of the learned Subordinate Judge Mayiladuthurai, Mayiladuthurai District.



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6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

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

To

- 1.The Subordinate Judge, Ponneri, Thiruvallur.
- 2.The Subordinate Judge, Mayiladuthurai, Mayiladuthurai District.



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V. LAKSHMINARAYANAN,J.

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