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Tr.C.M.P.No.596 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.596 of 2024
& C.M.P.No.12911 of 2024

R.Meenakshi
Rep.by Power of Attorney
Ramakrishnan

.. Petitioner

Vs

P.Krishnakumar

.. 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.133 of 2023 pending on the file of the Subordinate Court, Katpadi, Vellore District and transfer the same to the file of the Principal Sub Judge, Vriddhachalam, Cuddalore District.

For Petitioner : Mr.T.Meganathan
For Respondent : Mr.E.Kannadasan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.133 of 2023 from the file of the Subordinate Court, Katpadi, Vellore District and transfer the same to the file of the Principal Sub Judge, Vriddhachalam, Cuddalore District.



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

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3. The petitioner married the respondent on 17.02.2017. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.133 of 2023 for divorce before the learned Subordinate Court, Katpadi, Vellore District. Pleading that the wife is residing in Singapore and her father, who is taking care of the children at Ariyalur would be unable to travel from Ariyalur to Katpadi, 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 petitioner's father, who is residing in Ariyalur is taking care of the children and the distance between Ariyalur and Katpadi is considerable, I am inclined to accept the transfer.



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5. Accordingly, H.M.O.P.No.133 of 2023 is withdrawn from the file of the learned Subordinate Court, Katpadi, Vellore District and transferred to the file of the Principal Sub Judge, Vriddhachalam, Cuddalore District.

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
KST

To

1. The Subordinate Court, Katpadi, Vellore District.
2. The Principal Sub Judge, Vriddhachalam, Cuddalore District.



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V. LAKSHMINARAYANAN,J.

KST

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