



WEB COPY



Tr.C.M.P.No.432 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.432 of 2024
& C.M.P.No.8936 of 2024

Divya

.. Petitioner

Vs

Jaiganesh

.. 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.27 of 2024 pending on the file of the learned Principal Sub Court at Mayiladuthurai and transfer the same to the file of the learned Sub Court, Tiruvottiyur.

For Petitioner : Mr.A.M.Amudha Ganesh
For Respondent : Mr.K.M.Vijayan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.27 of 2024 from the file of the learned Principal Sub Court at Mayiladuthurai and transfer the same to the file of the learned Sub Court, Tiruvottiyur.

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



Tr.C.M.P.No.432 of 2024

WEB COPY

3. The petitioner married the respondent on 22.10.2015. From the wedlock, they were blessed with a male child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.27 of 2024 for divorce before the learned Principal Sub Court at Mayiladuthurai. Pleading that the wife is residing in Tiruvottiyur, Chennai and unable to travel from Tiruvottiyur to Mayiladuthurai, 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 Tiruvottiyur and Mayiladuthurai 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.

5. Accordingly, H.M.O.P.No.27 of 2024 is withdrawn from the file of the learned Principal Sub Court at Mayiladuthurai and transferred to the file of the



Tr.C.M.P.No.432 of 2024

learned Sub Court at Tiruvottiyur.

WEB COPY

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 Principal Sub Court at Mayiladuthurai.
- 2.The Sub Court at Thiruvottiyur.



WEB COPY



Tr.C.M.P.No.432 of 2024

V. LAKSHMINARAYANAN,J.

KST

**Tr.C.M.P.No.432 of 2024
& C.M.P.No.8936 of 2024**

24.01.2025