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Tr.C.M.P.No.466 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.466 of 2024 & C.M.P.No.9450 of 2024

S.Janani @ Indhumathi

.. Petitioner

Vs

P.Hariprasath

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.22 of 2024 pending on the file of the learned Subordinate Court, Kancheepuram and transfer the same to the file of the learned Subordinate Court, Tiruvottiyur.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr.E.Balasubramanian

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 O.P.No.22 of 2024 from the file of the learned Subordinate Court, Kancheepuram and transfer the same to the file of the learned Subordinate Court, Tiruvottiyur.

3.The petitioner married the respondent on 22.02.2021. Due to



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disputes and differences, the parties have separated. The petitioner/wife filed O.P.No.65 of 2024 on the file of Subordinate Court at Thiruvottiyur seeking divorce. The respondent/husband initiated proceedings in O.P.No.22 of 2024 before the learned Subordinate Court, Kancheepuram seeking for restitution of conjugal rights. Pleading that the wife is a permanent resident of Thiruvottiyur and unable to travel from Thiruvottiyur to Kancheepuram, 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 Thiruvottiyur and Kancheepuram is considerable, I am inclined to accept the transfer.

5.Accordingly, O.P.No.22 of 2024 is withdrawn from the file of the learned Subordinate Court, Kancheepuram and transferred to the file of the learned Subordinate Court, Tiruvottiyur. The learned Subordinate Judge at Tiruvottiyur, on transfer of the proceedings, shall re-number the same and



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try it along with O.P.No.65 of 2024, which is said to be pending on his file.

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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 Court, Kancheepuram.
- 2.The Subordinate Judge, Tiruvottiur.



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V. LAKSHMINARAYANAN,J.

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