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Tr.C.M.P.No.557 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.557 of 2024
& C.M.P.No.12226 of 2024

S.Poornima

.. Petitioner

Vs

R.Sudhagar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.2747 of 2022 pending on the file of the learned III Additional Principal Family Court, Chennai and transfer the same to the file of the learned Family Court, Udhagamandalam, The Nilgiris District.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.2747 of 2022 from the file of the learned III Additional Principal Family Court, Chennai and transfer the same to the file of the learned Family Court, Udhagamandalam, The Nilgiris District.

2. I heard Mr.K.Balasubramaniam for the transfer petitioner. I have gone through the affidavit.



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3. Though notice has been served on the 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 14.03.2013. From the wedlock, they were blessed with a male child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in O.P.No.2747 of 2022 for restitution of conjugal rights before the learned III Additional Principal Family Court, Chennai. Pleading that the wife is a permanent resident of Udhagamandalam, Nilgiris District and unable to travel from Udhagamandalam to Chennai, 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 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 Udhagamandalam and Chennai is considerable and since it will be



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difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6.Accordingly, O.P.No.2747 of 2022 is withdrawn from the file of the learned III Additional Principal Family Court, Chennai and transferred to the file of the learned Family Court, Udthagamandalam, The Nilgiris District.

7.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 III Additional Principal Family Court, Chennai.
- 2.The Family Court, Udthagamandalam, The Nilgiris District.



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V. LAKSHMINARAYANAN,J.

KST

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