



Tr.C.M.P.No.511 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.511 of 2024
& C.M.P.No.10946 of 2024

R.Sivaranjani

.. Petitioner

Vs

G.Gnanagiri

.. 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.127 of 2023 pending on the file of the learned Principal Sub Court at Mayiladuthurai and transfer the same to the file of the learned Sub Court, Thiruvarur.

For Petitioner : Ms.J.Jyothi
For Respondent : Mr.S.V.Udayakumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.127 of 2023 from the file of the learned Principal Sub Court at Mayiladuthurai and transfer the same to the file of the learned Sub Court, Thiruvarur.

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



Tr.C.M.P.No.511 of 2024

WEB COPY

3. The petitioner married the respondent on 16.09.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.127 of 2023 for divorce before the learned Principal Sub Court at Mayiladuthurai. The petitioner/wife initiated H.M.O.P.No.13 of 2024 for restitution of conjugal rights which is pending before the Sub Court, Tiruvarur. Pleading that the wife is residing in Tiruvarur and unable to travel from Tiruvarur 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 Tiruvarur and Mayiladuthurai is considerable, I am inclined to accept the transfer.

5. Learned counsel for the respondent has no serious objection for this transfer.



Tr.C.M.P.No.511 of 2024

WEB COPY

6. Accordingly, H.M.O.P.No.127 of 2023 is withdrawn from the file of the learned Principal Sub Court at Mayiladuthurai and transferred to the file of the learned Sub Court at Tiruvarur.

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



WEB COPY



Tr.C.M.P.No.511 of 2024

V. LAKSHMINARAYANAN,J.

KST

**Tr.C.M.P.No.511 of 2024
& C.M.P.No.10946 of 2024**

24.01.2025