



Tr.C.M.P.No.584 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.584 of 2024
& C.M.P.No.12663 of 2024

S.Bhavani @ Divya

.. Petitioner

Vs

G.Jeeva @ Jeevanantham

.. 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.25 of 2023 pending on the file of the learned Principal Sub Court, Vellore and transfer the same to the file of the learned Principal Sub Court at Ponneri, Tiruvallur District.

For Petitioner : Mr.G.Gopinath
For Respondent : Mr.T.Saravanan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.25 of 2023 from the file of the learned Principal Sub Court, Vellore and transfer the same to the file of the learned Principal Sub Court at Ponneri, Tiruvallur District.

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



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3. The petitioner married the respondent on 19.01.2018. 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.25 of 2023 for divorce before the learned Principal Sub Court, Vellore. The petitioner/wife filed M.C.No.02/2024 before the Judicial Magistrate No.2, Ponneri, Tiruvallur seeking maintenance for herself and the child. Pleading that the wife is residing in Sholavaram Village, Tiruvallur District and unable to travel from Tiruvallur to Vellore, 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 Tiruvallur and Vellore 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.



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5. Accordingly, H.M.O.P.No.25 of 2023 is withdrawn from the file of the learned Principal Sub Court, Vellore and transferred to the file of the learned Principal Sub Court at Ponneri, Tiruvallur District.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 Principal Sub Court, Vellore.
2. The Principal Sub Court, Ponneri, Tiruvallur District.



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V. LAKSHMINARAYANAN,J.

KST

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