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Tr.C.M.P.No.608 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.608 of 2024 & C.M.P.No.13147 of 2024

M.Anjalidevi .. Petitioner
Vs

S.Naveen Kumar .. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in HMOP No.69 of 2023 pending on the file of the Family Court at Trichy and transfer the same to the file of the Family Court at Coimbatore.

For Petitioner : Mr.G.Nirmal Krishnan
For Respondent : Mr.S.Muthukrishnan

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 HMOP No.69 of 2023 from the file of the Family Court at Trichy and transfer the same to the file of the Family Court at Coimbatore.

3.The petitioner married the respondent on 11.02.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in HMOP No.69 of 2023 before the Family Court at Trichy seeking for restitution of conjugal rights. Pleading that



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the wife is a permanent resident of Coimbatore and unable to travel from Coimbatore to Trichy, 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 Coimbatore and Trichy is considerable, I am inclined to accept the transfer.

5.Accordingly, HMOP No.69 of 2023 is withdrawn from the file of the Family Court at Trichy and transferred to the file of the Family Court at Coimbatore.

6. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.



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7. 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

Neutral Citation:Yes/No

KST

To

1.The Family Court, Trichy.

2.The Family Court, Coimbatore.



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V. LAKSHMINARAYANAN,J.

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