



Tr.C.M.P.No.505 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.505 of 2024
& C.M.P.No.10472 of 2024

Vijayalakshmi @ Shanthi

.. Petitioner

Vs

Manikandan

.. 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 2024 pending on the file of the learned Sub Court, Polur and transfer the same to the file of the learned Sub Court, Tambaram.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.25 of 2024 from the file of the learned Sub Court, Polur and transfer the same to the file of the learned Sub Court, Tambaram.

2. I heard Mr.Muthamizhselvakumar 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 09.12.2018. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.25 of 2024 for restitution of conjugal rights before the learned Sub Court, Polur. Pleading that the wife is residing in Old Perungalathur and unable to travel from Old Perungalathur to Polur, 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 Old Perungalathur, Kanchipuram District and Polur is considerable



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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.

6.Accordingly, H.M.O.P.No.25 of 2024 is withdrawn from the file of the learned Sub Court, Polur and transferred to the file of the learned Sub Court, Tambaram.

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 Sub Court, Polur.
- 2.The Sub Court, Tambaram.



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V. LAKSHMINARAYANAN,J.

KST

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