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Tr.C.M.P.No.528 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.528 of 2024 & C.M.P.No.11889 of 2024

Anandhagowri J. .. Petitioner

Vs

D.Pradeep Kumar .. 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.754 of 2023 pending on the file of the learned Sub Court, Alandur and transfer the same to the file of the learned Sub Court, Valliyur.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.M.Arulraj

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 H.M.O.P.No.754 of 2023 from the file of the learned Sub Court, Alandur and transfer the same to the file of the learned Sub Court, Valliyur.



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3.The petitioner married the respondent on 15.04.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.754 of 2023 before the learned Sub Court, Alandur seeking for divorce. Pleading that the wife is a permanent resident of Thisaiyanvilai, Tirunelveli and unable to travel from Thisaiyanvilai to Alandur, 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 Thisaiyanvilai and Alandur is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.754 of 2023 is withdrawn from the file of the learned Sub Court, Alandur and transferred to the file of the learned Sub Court, Valliyur.



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6. 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
Speaking order/Non-speaking order
Neutral Citation:Yes/No
KST

To

- 1.The Sub Court, Alandur.
- 2.The Sub Court, Valliyur.



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V. LAKSHMINARAYANAN,J.

KST

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