



WEB COPY



Tr CMP.No.524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.524 of 2023 &
CMP.No.12334 of 2023

Gayathri : Petitioner

versus

Muthu Irulappan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw HMOP.No.74 of 2023 pending before the Subordinate Judge at Udumalpet, Tiruppur and transfer the same to the Family Court at Tiruchirapalli filed by the respondent for divorce.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.D.R.Arunkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.74 of 2023 from the file of the Sub Court at Udumalpet and transfer the same to the file of the Family Court in Tiruchirapalli.



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

3. The petitioner married the respondent on 06.12.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.74 of 2023 for divorce before the learned Subordinate Judge at Udumalpet. Pleading that she is residing in Tiruchirapalli and unable to travel from Tiruchirapalli to Udumalpet, the wife 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 Tiruchirapalli and Udumalpet is considerable, I am inclined to accept the transfer.



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5. Accordingly, H.M.O.P.No.74 of 2023 is withdrawn from the file of the Sub Court at Udumalpet and is transferred to the file of the Family Court at Tiruchirapalli.

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.

7. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2025

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Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No



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V. LAKSHMINARAYANAN, J.
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To

- 1.The Subordinate Judge, Sub Court, Udumalpet, Tiruppur
- 2.The Family Judge, Family Court at Tiruchirapalli

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