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Tr.C.M.P.No.1039 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.1039 of 2024

&

C.M.P.No.22653 of 2024

Deviya Rajendiran

...

Petitioner

Vs

Pravee Kumar. E

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in HMOP No.312 of 2023 pending on the file of Hon'ble Sub Court at Poonamallee, Tiruvallur District and transfer the same to the file of Family Court in Thindivanam.

For Petitioner

...

Mr.I.Velpradeep

For Respondent

...

No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.312 of 2023 from the file of the Sub Court at Poonamallee, Tiruvallur District and transfer the same to the file of the Family Court in Thindivanam.



Tr.C.M.P.No.1039 of 2024

WEB COPY 2. I heard Mr.I.Velpradeep for the transfer petitioner. I have gone through the affidavit.

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 25.01.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.312 of 2023 for divorce before the Sub Court, Ponamallee, Tiruvallur District. Pleading that the wife is residing in Villupuram District and unable to travel from Villupuram to Tiruvallur, 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



Tr.C.M.P.No.1039 of 2024

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 Villupuram and Tiruvallur is considerable, I am inclined to accept the transfer.

6. Accordingly, HMOP No.312 of 2023 is withdrawn from the file of the Principal Sub Court at Poonamallee, Tiruvallur District and transferred to the file of the Family Court at Thindivanam. The learned Family Judge at Thindivanam, on transfer of the proceedings, shall re-number the same and proceed further.

7. 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.



Tr.C.M.P.No.1039 of 2024

WEB COPY 8. With the above observations, the Transfer Petition is ordered.

No costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.Sub Court at Poonamallee, Tiruvallur District.

2.The Family Court, Thindivanam.



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Tr.C.M.P.No.1039 of 2024

V. LAKSHMINARAYANAN,J.

mrp

Tr.C.M.P.No.1039 of 2024

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C.M.P.No.22653 of 2024

24.01.2025