



WEB COPY



Tr.C.M.P.No.676 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.676 of 2024
& C.M.P.No.14570 of 2024

Anushya

.. Petitioner

Vs

A.Venkatesan

.. 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.117 of 2023 pending on the file of the learned Sub Court, Cheyyar and transfer the same to the file of the learned Sub Court, Poonamallee.

For Petitioner : Ms.Jayashree
For Respondent : Mr.V.Manimaran

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.117 of 2023 from the file of the learned Sub Court, Cheyyar and transfer the same to the file of the learned Sub Court, Poonamallee.

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



Tr.C.M.P.No.676 of 2024

3. The petitioner married the respondent on 10.07.2016. From the wedlock, they were blessed with two children aged 6 and 4 years. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.117 of 2023 for divorce before the learned Sub Court, Cheyyar. Pleading that the wife is residing in Thiruvallur and unable to travel from Thiruvallur to Cheyyar, 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 Thiruvallur and Cheyyar is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.117 of 2023 is withdrawn from the file of the learned Sub Court, Cheyyar and transferred to the file of the learned Sub Court, Poonamallee.



Tr.C.M.P.No.676 of 2024

WEB COPY

6.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, Cheyyar.
- 2.The Sub Court, Poonamallee.



WEB COPY



Tr.C.M.P.No.676 of 2024

V. LAKSHMINARAYANAN,J.

KST

**Tr.C.M.P.No.676 of 2024
& C.M.P.No.14570 of 2024**

24.01.2025