



Tr.C.M.P.No.664 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.664 of 2024**  
**& C.M.P.No.14438 of 2024**

S.Divya

.. Petitioner

Vs

C.M.Shiva Thalil

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.416 of 2024 pending on the file of the learned Family Court at Nagercoil and transfer the same to the file of the learned Sub Court, Alandur.

For Petitioner : Mrs.V.Uma Shankari  
For Respondent : No appearance

**ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.416 of 2024 from the file of the learned Family Court at Nagercoil and transfer the same to the file of the learned Sub Court, Alandur.

2. I heard Mrs.V.Uma Shankari for the transfer petitioner. I have gone through the affidavit.



*Tr.C.M.P.No.664 of 2024*

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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 04.09.2016. From the wedlock, they were blessed with two male children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.P.No.416 of 2024 for divorce before the learned Family Court at Nagercoil. Pleading that the wife is residing in Adambakkam, Chennai and unable to travel from Chennai to Nagercoil, 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 Chennai and Nagercoil is considerable and since it will be difficult



*Tr.C.M.P.No.664 of 2024*

for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

6.Accordingly, O.P.No.416 of 2024 is withdrawn from the file of the learned Family Court at Nagercoil and transferred to the file of the learned Sub Court at Alandur to be tried along with O.P.No.409 of 2024 pending therein.

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 Family Court at Nagercoil.
- 2.The Sub Court at Alandur.



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*Tr.C.M.P.No.664 of 2024*

**V. LAKSHMINARAYANAN,J.**

KST

**Tr.C.M.P.No.664 of 2024  
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