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Tr.C.M.P.No.674 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.674 of 2024
& C.M.P.No.14563 of 2024

Arthi

.. Petitioner

Vs

Mutharasan

.. 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.233 of 2022 pending on the file of the Sub Court, Kallakurichi and transfer the same to the file of the learned Family Court, Chennai.

For Petitioner : Ms.M.Sneha
For Respondent : Mr.K.Sethuvarayar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.233 of 2022 from the file of the Sub Court, Kallakurichi and transfer the same to the file of the learned Family Court, Chennai.

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



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3. The petitioner married the respondent on 04.07.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.233 of 2022 for divorce before the Sub Court, Kallakurichi. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Kallakurichi, 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 Chennai and Kallakurichi is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.233 of 2022 is withdrawn from the file of the Sub Court, Kallakurichi and transferred to the file of the learned Family Court, Chennai.



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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.

24.01.2025

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

To

1. The Sub Court, Kallakurichi.

2. The Family Court, Chennai.



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V. LAKSHMINARAYANAN,J.

KST

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