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Tr.C.M.P.No.707 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.707 of 2024
& C.M.P.No.15202 of 2024

V.Saranya

.. Petitioner

Vs

T.Mahendran

.. 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.168 of 2023 pending on the file of the learned Principal Sub Court, Hosur and transfer the same to the file of the learned Sub Court, Tiruchengode.

For Petitioner : Mr.Ramachandran S.
For Respondent : Mr.R.T.Vishnu

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.168 of 2023 from the file of the learned Principal Sub Court, Hosur and transfer the same to the file of the learned Sub Court, Tiruchengode.

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



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3. The petitioner married the respondent on 29.06.2012. From the wedlock, they were blessed with two children aged 12 and 6 years. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.168 of 2023 for divorce before the learned Principal Sub Court, Hosur. Pleading that the wife is residing in Tiruchengode and unable to travel from Tiruchengode to Hosur, 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 Tiruchengode and Hosur 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 Accordingly, H.M.O.P.No.168 of 2023 is withdrawn from the file of the learned Principal Sub Court, Hosur and transferred to the file of the learned Sub Court, Tiruchengode.



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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 Principal Sub Court, Hosur.
- 2.The Sub Court, Tiruchengode.



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V. LAKSHMINARAYANAN,J.

KST

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