



Tr.C.M.P.No.705 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.705 of 2024 & C.M.P.No.15167 of 2024**

Hema

.. Petitioner

Vs

S.Srivathsan

.. 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.782 of 2024 pending on the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Principal Family Court, Erode.

For Petitioner : M/s.A.Parthasarathy and Associates  
For Respondent : Mr.K.S.Karthik Raja

**ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.782 of 2024 from the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Principal Family Court, Erode.

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

3.The petitioner married the respondent on 19.11.2023. Due to



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disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.782 of 2024 before the Principal Family Court, Coimbatore seeking divorce. Pleading that the wife is a permanent resident of Erode and unable to travel from Erode to Coimbatore, 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 Erode and Coimbatore is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.782 of 2024 is withdrawn from the file of the Principal Family Court, Coimbatore and transferred to the file of the Principal Family Court, Erode.

6. The Family Court need not insist upon the appearance of the



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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. The Transfer Civil Miscellaneous Petition is ordered on the above terms. 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 Family Court, Coimbatore.
- 2.The Principal Family Court, Erode.



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**V. LAKSHMINARAYANAN,J.**

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