



Tr.C.M.P.No.712 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.712 of 2024**

**&**

**C.M.P.Nos.15479 & 15480 of 2024**

Gayathri

...

Petitioner

Vs

M. Karthikeyan

...

Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the HMOP No.2560 of 2024 on the file of the Hon'ble IV Additional Family Court at Chennai and transfer the same to the Hon'ble Family Court at Madurai to be jointly tried along with HMOP No.896 of 2024.

For Petitioner : Mr.Dhana Aravindha Balaji

For Respondent : Mr.A.M. Ravindranath Jayapal



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Tr.C.M.P.No.712 of 2024

## **ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.2560 of 2024 on the file of the IV Additional Family Court at Chennai and transfer the same to the Family Court at Madurai, to be tried along with H.M.O.P.No.896 of 2024.

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

3. The petitioner married the respondent on 07.06.2023. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.896 of 2024 for divorce before Family Court at Madurai. The respondent/husband initiated proceedings in H.M.O.P.No.2560 of 2024 for restitution of conjugal rights before the IV Additional Family Court at Chennai. Pleading that the wife is residing in Madurai and unable to travel from Madurai to Chennai, 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



*Tr.C.M.P.No.712 of 2024*

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 Madurai and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, HMOP No.2560 of 2024 is withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the file of the Family Court, Madurai. The learned Judge, Family Court at Madurai, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.896 of 2024, which is said to be pending on his file.

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.



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Tr.C.M.P.No.712 of 2024

**V. LAKSHMINARAYANAN,J.**

mrp

7. With the above observations, the Transfer Petition is ordered.

No costs. Consequently, the connected miscellaneous petitions are closed.

Index:Yes/No

**24.01.2025**

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The Family Court, Madurai

2.The IV Additional Family Court, Chennai.

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