



Tr.C.M.P.No.706 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.706 of 2023
& C.M.P.No.17151 of 2023

B.Sangeetha

.. Petitioner

Vs

B.Murali

.. 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.72 of 2023 pending on the file of the learned Subordinate Judge at Alandur and transfer the same to the file of the learned Subordinate Judge at Poonamallee and to be tried along with H.M.O.P.No.632 of 2022 pending on its file.

For Petitioner : Mr.P.Sidharthan

For Respondent : No appearance



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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.72 of 2023 from the file of the learned Subordinate Judge at Alandur and transfer the same to the file of the learned Subordinate Judge at Poonamallee, to be tried along with H.M.O.P.No.632 of 2022.

2. I heard Mr.P.Sidharthan for the transfer petitioner. I have gone through the affidavit.

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 30.06.2017. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.632 of 2022 for divorce before the learned Subordinate Judge at Poonamallee. The respondent/husband



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initiated proceedings in H.M.O.P.No.72 of 2023 for restitution of conjugal rights before the learned Subordinate Judge at Alandur.

Pleading that the wife is residing in Alapakkam and unable to travel from Alapakkam to Alandur, 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 Alapakkam and Alandur is considerable, I am inclined to accept the transfer.

6.Accordingly, H.M.O.P.No.72 of 2023 is withdrawn from the file of the learned Subordinate Judge at Alandur and transferred to the file of the learned Subordinate Judge at Poonamallee. The learned Subordinate Judge at Poonamallee, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.632 of 2022, which is said to be pending on his file.



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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

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To

1.The Subordinate Judge at Alandur.

2.The Subordinate Judge at Poonamallee.



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V. LAKSHMINARAYANAN,J.

Kj

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