



Tr CMP.No.866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.866 of 2024 &
CMP.No.19150 of 2024

Selvi : Petitioner

versus

Chakravarthy : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer HMOP.No.20 of 2023 on the file of the Additional Sub Court, Dharmapuri to the Family Court at Dharmapuri.

For Petitioner : Mr.M.Jaisingh

For Respondent : Mr.P.M.Jayachandran

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.20 of 2023 from the file of the Additional Sub Court at Dharmapuri and transfer the same to the file of the Family Court in



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Dharmapuri.

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

3. The petitioner married the respondent on 19.01.2018. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.20 of 2023 for dissolution of marriage before the learned Additional Subordinate Judge at Dharmapuri. The petitioner/wife is residing at Annasagaram. The petitioner pleads that being a single mother, she is not able to leave the child in school and at the same time, attend to the Court proceedings. The affidavit filed in support of this petition reveals that she is not in good health and had earlier taken treatment at Narayanan Hrudayalaya Hospital at Bangalore.

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



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be given a superior consideration than that of the husband.

5. Taking into consideration the circumstance of the wife, H.M.O.P.No.20 of 2023 is withdrawn from the file of the Additional Sub Court at Dharmapuri and is transferred to the file of the Family Court at Dharmapuri.

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

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Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No



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V.LAKSHMINARAYANAN, J.

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To

- 1.The Additional Subordinate Judge, Additional Sub Court, Dharmapuri
- 2.The Family Judge, Family Court, Dharmapuri

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