



Tr.C.M.P.No.751 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.751 of 2024 & C.M.P.No.16381 of 2024

Jayasri .. Petitioner

Vs

Sasitharan .. 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.43 of 2024 pending on the file of the learned Principal Sub Court, Tindivanam and transfer the same to the file of the learned Family Court, Chennai.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.T.Anantha Sekar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.43 of 2024 from the file of the learned Principal Sub Court, Tindivanam and transfer the same to the file of the learned Family Court, Chennai.

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



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3.The petitioner married the respondent on 05.07.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.43 of 2024 before the learned Principal Sub Court, Tindivanam seeking for divorce. Pleading that the wife is a permanent resident of Kodungaiyur, Chennai and unable to travel from Chennai to Tindivanam, 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 Chennai and Tindivanam is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.43 of 2024 is withdrawn from the file of the learned Principal Sub Court, Tindivanam and transferred to the file of the learned Family Court, Chennai.



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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. 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 Sub Court, Tindivanam.

2.The Family Court, Chennai.



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V. LAKSHMINARAYANAN,J.

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