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Tr.C.M.P.No.765 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.765 of 2024 & C.M.P.No.16662 of 2024

Elakkiya .. Petitioner

Vs

Elanchezhian .. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in F.C.O.P.No.39 of 2024 pending on the file of the learned District Family Court, Ariyalur and transfer the same to the file of the learned Subordinate Court, Chidambaram.

For Petitioner : Mr.A.Murugan

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of F.C.O.P.No.39 of 2024 from the file of the learned District Family Court, Ariyalur and transfer the same to the file of the learned Subordinate Court, Chidambaram.

2. I heard Mr.A.Murugan for the transfer petitioner. I have gone through the affidavit.



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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 24.06.2020. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in F.C.O.P.No.39 of 2024 before the learned District Family Court, Ariyalur seeking for divorce. Pleading that the wife is residing in Srimushnam, Cuddalore District and unable to travel from Cuddalore to Ariyalur, 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 Cuddalore and Ariyalur is considerable, I am inclined to accept the transfer.



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5. Accordingly, F.C.O.P.No.39 of 2024 is withdrawn from the file of the learned District Family Court, Ariyalur and transferred to the file of the learned Subordinate Court, Chidambaram.

6. 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 District Family Court, Ariyalur.
- 2.The Subordinate Court, Chidambaram.



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V. LAKSHMINARAYANAN,J.

KST

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