



Tr.C.M.P.No.761 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.761 of 2024**  
**& C.M.P.No.16599 of 2024**

R.Karunya

.. Petitioner

Vs

R.K.J.Ramkishore

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in I.A.No.1 of 2024 in C.F.R.No.3454 of 2024 pending on the file of the learned Family Court, Erode and transfer the same to the file of the learned Sub Court, Melur to try the matter along with O.P.No.53 of 2024 filed by the petitioner.

For Petitioner : Mr.R.Subburaj  
For Respondent : Mr.M.Guruprasad

**ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of I.A.No.1 of 2024 in C.F.R.No.3454 of 2024 from the file of the learned Family Court, Erode and transfer the same to the file of the learned Sub Court, Melur.

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



*Tr.C.M.P.No.761 of 2024*

WEB COPY

3.The petitioner married the respondent on 01.12.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in I.A.No.1 of 2024 in C.F.R.No.3454 of 2024 before the learned Family Court, Erode for divorce. Though initially the proceedings were pending at the stage of granting leave to file a divorce petition, learned counsel for the petitioner reports that the application in CFR No.3454 of 2024 was allowed by the Family Court at Erode and the proceedings since numbered as H.M.O.P.No.571 of 2024. The petitioner/wife filed H.M.O.P.No.53 of 2024 before the Sub Court, Melur seeking for restitution of conjugal rights. The pleading that the wife is a permanent resident of Madurai and unable to travel from Madurai to Erode for the hearing, 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 Madurai and Erode is considerable, I am inclined to accept the



Tr.C.M.P.No.761 of 2024

transfer.

WEB COPY

5. Accordingly, I.A.No.1 of 2024 in C.F.R.No.3454 of 2024, now numbered as H.M.O.P.No.571 of 2024 is withdrawn from the file of the learned Family Court, Erode and transferred to the file of the learned Sub Court, Melur. The learned Subordinate Judge, Melur, on transfer of the proceedings, shall re-number the same and try it along with HMOP No.53 of 2024, which is said to be pending on his file.

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 Family Court, Erode.

2.The Sub Court, Melur.



WEB COPY



*Tr.C.M.P.No.761 of 2024*



WEB COPY



*Tr.C.M.P.No.761 of 2024*

**V. LAKSHMINARAYANAN,J.**

KST

**Tr.CMP No.761 of 2024**  
**and CMP No.16599 of 2024**

**24.01.2025**