



WEB COPY



Tr.C.M.P.No.743 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.743 of 2024 & C.M.P.No.16296 of 2024

Uthra Madhavan .. Petitioner

Vs

K.M.Saravana Kumar .. 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.5738 of 2022 pending on the file of the learned Additional Family Court, Chennai and transfer the same to the file of the learned Sub Court, Ranipet.

For Petitioner : Mr.Salai Varun
For Respondent : Mr.R.Bharath Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.5738 of 2022 from the file of the learned Additional Family Court, Chennai and transfer the same to the file of the learned Sub Court, Ranipet.

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

3.The petitioner married the respondent on 10.03.2019. Due to



Tr.C.M.P.No.743 of 2024

disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.5738 of 2022 before the learned Additional Family Court, Chennai seeking for divorce. The petitioner/wife filed HMOP No.5726 of 2022 on the file of II Additional Family Court, Chennai for restitution of conjugal rights. Pleading that the wife is a permanent resident of Ranipet and unable to travel from Ranipet to Chennai due to her health condition, 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 Ranipet and Chennai is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.5738 of 2022 is withdrawn from the file of the learned Additional Family Court, Chennai and transferred to the file of the learned Sub Court, Ranipet.



Tr.C.M.P.No.743 of 2024

WEB COPY

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 Additional Family Court, Chennai.
- 2.The Sub Court, Ranipet.



WEB COPY



Tr.C.M.P.No.743 of 2024

V. LAKSHMINARAYANAN,J.

KST

Tr.CMP No.743 of 2024
and CMP No.16296 of 2024

24.01.2025