



Tr CMP.No.772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP.No.772 of 2024 &
CMP.No.16906 of 2024

A.Anbu Mozhi : Petitioner

versus

R.Rajkumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in HMOP.No.317 of 2023 on the file of Subordinate Court at Poonamallee and to transfer the same to the Family Court, Ariyalur

For Petitioner : Mr.K.T.S.Sivakumar

For Respondent : Ms.S.Yogalakshmi

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.317 of 2023 from the file of the learned Subordinate Judge at Poonamallee and transfer the same to the file of the Family Court in Ariyalur.



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

3. The petitioner married the respondent on 28.01.2018. From the wedlock, they were blessed with a male child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.317 of 2023 for divorce before the learned Subordinate Judge at Poonamallee. Pleading that the wife is residing in Ariyalur and unable to travel from Ariyalur to Poonamallee, 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



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between Ariyalur and Poonamallee is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.317 of 2023 is withdrawn from the file of the learned Subordinate Judge at Poonamallee and is transferred to the file of the learned Subordinate Judge at Jayankondam.

6. 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

To



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- 1.The Subordinate Court at Poonamallee
2.The Subordinate Court at Jayankondam



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V.LAKSHMINARAYANAN, J.
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