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Tr.C.M.P.No.758 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.758 of 2024**  
**& C.M.P.No.16502 of 2024**

S.Gobika

.. Petitioner

Vs

S.Dinesh Kumar

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.47 of 2024 pending on the file of the learned Subordinate Court, Uthangarai and transfer the same to the file of the learned Sub Court, Tambaram, Chennai to try the matter along with H.M.O.P.No.157 of 2024 filed by the petitioner.

For Petitioner : Ms.Anu Narendran  
For Respondent : Mr.R.Bharath Kumar

**ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.47 of 2024 from the file of the learned Subordinate Court, Uthangarai and transfer the same to the file of the learned Sub Court, Tambaram.

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



*Tr.C.M.P.No.758 of 2024*

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3.The petitioner married the respondent on 03.03.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.P.No.47 of 2024 before the learned Subordinate Court, Uthangarai for restitution of conjugal rights. The petitioner/wife filed H.M.O.P.No.157 of 2024 before the Sub Court, Tambaram seeking for divorce. Pleading that the wife is a permanent resident of Chennai and unable to travel from Chennai to Uthangarai 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 Chennai to Uthangarai is considerable, I am inclined to accept the transfer.

5.Accordingly, O.P.No.47 of 2024 is withdrawn from the file of the



Tr.C.M.P.No.758 of 2024

learned Subordinate Court at Uthangarai and transferred to the file of the learned Sub Court, Tambaram. The learned Subordinate Judge at Tambaram, on transfer of the proceedings, shall re-number the same and try it along with HMOP No.157 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 Subordinate Court, Uthangarai.
- 2.The Sub Court, Tambaram.



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*Tr.C.M.P.No.758 of 2024*

**V. LAKSHMINARAYANAN,J.**

KST

**Tr.CMP No.758 of 2024**  
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**24.01.2025**