



Tr CMP.No.850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.850 of 2024 &
CMP.No.18778 of 2024

K.Vaideki : Petitioner

versus

Jeremiah C John : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.426 of 2024 pending on the file of the IV Additional Family Court at Chennai and transfer the same to the Subordinate Court, Bhavani at Erode District.

For Petitioner : Mr.S.Magesh Kumar

For Respondent : Mr.Suchit Anant Palande

ORDER

This transfer petition is at the instance of the wife. She seeks



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withdrawal of H.M.O.P.No.426 of 2024 from the file of the IV Additional Family Court at Chennai and transfer the same to the file of the Sub Court, Bhavani.

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

3. The petitioner married the respondent on 07.09.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.426 of 2024 for dissolution of marriage before the learned IV Additional Family Judge at Chennai. Pleading that she is residing in Bhavani, Erode and unable to travel from Bhavani to Chennai, 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



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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 Bhavani and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.426 of 2024 is withdrawn from the file of the IV Additional Family Court at Chennai and is transferred to the file of the Sub Court at Bhavani.

6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. 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

1. The IV Additional Family Judge, IV Additional Family Court, Chennai



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2.The Subordinate Judge, Sub Court, Bhavani

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V.LAKSHMINARAYANAN, J.

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