



Tr CMP.No.780 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.780 of 2024 &
CMP.No.17072 of 2024

P.Prithika : Petitioner

versus

A.Sangeethkumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.22 of 2024 pending on the file of the Sub Court, Paramathi, Namakkal District and transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.J.Titus Enock

For Respondent : Mr.N.S.Sugunathan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP.No.22 of 2024 from the file of the Sub Court, Paramathi, Namakkal District and transfer the same to the file of the Family Court, Erode.



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

3. The petitioner married the respondent on 10.12.2021. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.22 of 2024 for divorce before the learned Subordinate Judge at Paramathi. Pleading that she is residing in Erode and unable to travel from Erode to Paramathi, the wife 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 Erode and Paramathi is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am



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inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.22 of 2024 is withdrawn from the file of the learned Subordinate Judge at Paramathi, Namakkal District and is transferred to the file of the learned Family Judge at Erode. On receipt of papers, the learned Family Judge, Erode is requested to enquire with the parties and find out if the parties are willing to settlement through mediation. If so, they shall be referred to the mediation centre attached to the Family Court at Erode.

6. In case, the mediation fails, the learned Family Judge, Erode need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

7. 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



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V.LAKSHMINARAYANAN, J.
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To

- 1.The Sub Court, Paramathi, Namakkal District.
- 2.The Family Court, Erode

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24.01.2025