



Tr CMP.No.789 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.789 of 2024 &
CMP.No.17340 of 2024

M.Manimehala : Petitioner

versus

T.Ragupathi : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.201 of 2023 pending on the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.S.R.Karthikeyan

For Respondent : Mr.B.Mohan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP.No.201 of 2023 from the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Family Court,



Tr CMP.No.789 of 2024

Madurai.

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2. I heard Mr.S.R.Karthikeyan and Mr.B.Mohan for the respective parties. I have gone through the affidavit.

3. The petitioner married the respondent on 11.04.2004. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.201 of 2023 for divorce before the learned Principal Family Court, Coimbatore. Pleading that she is now residing in Madurai and unable to travel from Madurai to Coimbatore, 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



Tr CMP.No.789 of 2024

be given a superior consideration than that of the husband. As the distance between Madurai and Coimbatore 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 Accordingly, H.M.O.P.No.201 of 2023 is withdrawn from the file of the Principal Family Court, Coimbatore and is transferred to the file of the Family Court, Madurai.

6. The Family Court, Madurai 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.



Tr CMP.No.789 of 2024

24.01.2025

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



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Tr CMP.No.789 of 2024

V.LAKSHMINARAYANAN, J.

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To

1.The Principal Family Judge, Principal Family Court, Coimbatore

2.The Family Judge, Family Court, Madurai

Tr CMP.No.789 of 2024

24.01.2025