



Tr CMP.No.775 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.775 of 2024 &
CMP.No.16952 of 2024

C.Sathyabama : Petitioner

versus

K.Narendran : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in HMOP.No.317 of 2024 on the file of Family Court, Salem to the Family Court, Neyveli.

For Petitioner : Mr.A.S.Ragul Adhithya

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.317 of 2024 from the file of the learned Family



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Judge at Salem and transfer the same to the file of the learned Family Judge at Neyveli.

2. I heard Mr.A.S.Ragul Adhithya for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4.The petitioner married the respondent on 21.01.2024. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.317 of 2024 for restitution of conjugal rights before the learned Family Court, Salem. Pleading that she is unable to travel from Neyveli to Salem, she has moved this transfer petition.

5.The Parliament, while amending the Hindu Marriage Act, has



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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 Neyveli and Salem is considerable, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.317 of 2024 is withdrawn from the file of the learned Family Judge, Salem and is transferred to the file of the learned Family Judge, Neyveli.

7. The Family Court 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.



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8. With the above directions, this transfer civil miscellaneous petition is ordered. No costs. Consequently, the 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 Family Court, Salem
- 2.The Family Court, Neyveli.



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V.LAKSHMINARAYANAN, J.
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