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Tr.C.M.P.No.736 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.736 of 2023
& C.M.P.No.17876 of 2023

D.Mohana Parvathy

.. Petitioner

Vs

P.J.Suresh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.693 of 2023 pending on the file of the learned Family Judge, Madurai and transfer the same to the file of the learned Subordinate Judge, Alandur at Chennai.

For Petitioner : Ms.S.Ramadevi

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.693 of 2023 from the file of the learned Family Judge, Madurai and transfer the same to the file of the learned Subordinate Judge, Alandur at Chennai.



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2. I heard Ms.S.Ramadevi 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 16.05.2011. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.693 of 2023 for divorce before the learned Family Judge, Madurai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Madurai, she has moved this transfer petition.

5. 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



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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 and Madurai is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.693 of 2023 is withdrawn from the file of the learned Family Judge, Madurai and transferred to the file of the learned Subordinate Judge, Alandur at Chennai.

7. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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V. LAKSHMINARAYANAN,J.

To

Kj

- 1.The Family Judge, Madurai.
- 2.The Subordinate Judge, Alandur at Chennai.

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