



Tr CMP.No.803 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.803 of 2024 &
CMP.No.17793 of 2024

K.Deepika : Petitioner

versus

S.Sivaprakash : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer HMOP.No.1163 of 2024 pending on the file of VII Additional Family Court, Chennai to the file of the Family Court, Coimbatore.

For Petitioner : Ms.D.Kalaivani

For Respondent : Mr.P.Parthipan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1163 of 2024 from the file of the learned VII Additional Family Court, Chennai and transfer the same to the file of the



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Family Court in Coimbatore.

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

3. The petitioner married the respondent on 24.10.2021. 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.1163 of 2024 for divorce before the learned VII Additional Family Judge at Chennai. Pleading that she is residing in Coimbatore and unable to travel from Coimbatore to Chennai, 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 Coimbatore and Chennai is considerable and since it will be



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difficult for the wife to leave the child behind and travel to attend the Court,

I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.1163 of 2024 is withdrawn from the file of the learned VII Additional Family Judge at Chennai and transferred to the file of the learned Family Judge at Coimbatore.

6. 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.

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 VII Additional Family Judge, VII Additional Family Court, Chennai

2.The Family Judge, Family Court, Coimbatore

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