



Tr CMP.No.832 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.832 of 2024 &
CMP.No.18445 of 2024

S.Prathiba @ Bhagavathyammal : Petitioner

versus

S.Sivasakthi Ayyappan @ Esakkiappan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw GWOP.No.493 of 2024 pending on the file of the Family Court, Kanyakumari at Nagercoil and transfer the same to Sub Court at Alandur

For Petitioner : Mr.M.Rakhi

For Respondent : Mr.S.Sureshkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of GWOP.No.493 of 2024 from the file of the Family Court,



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Kanyakumari at Nagercoil and transfer the same to the file of the Sub Court at Alandur.

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

3. The petitioner married the respondent on 26.04.2010. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.330 of 2023 for divorce before the learned Family Judge at Kanyakumari and the same was also transferred to the file of the Sub Court, Alandur vide order of the court dated 03.06.2024 passed in Tr.CMP.No.1172 of 2023. The respondent/husband also initiated proceedings in GWOP.No.493 of 2024 before the learned Family Judge, Kanyakumari. The petitioner/wife initiated proceedings in MC.No.54 of 2023 before the learned Subordinate Judge at Alandur. Pleading that she is residing in Medavakkam, Chennai and unable to travel from Chennai to Kanyakumari, 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



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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 Chennai and Kanyakumari 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, GWOP.No.493 of 2024 is withdrawn from the file of the Family Court, Kanyakumari and is transferred to the file of the Sub Court at Alandur.

6. 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 Family Judge, Family Court, Kanyakumari

2.The Subordinate Judge, Sub Court, Alandur

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