



Tr.C.M.P.No.812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.812 of 2024
and C.M.P.No.18014 of 2024

Yamini Jayasri

.. Petitioner

Vs.

Jaybharath

.. Respondent

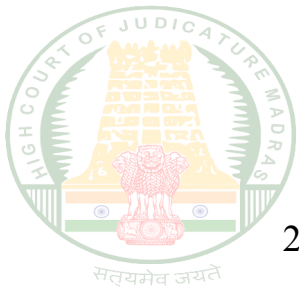
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the petition for restitution of conjugal rights in F.C.O.P.No.121 of 2024 on the file of the Family Court at Vellore to Sub Court at Kancheepuram.

For Petitioner : Mr.B.Sudhakar

For Respondent : No Appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of F.C.O.P.No.121 of 2024 from the file of the Family Court, Vellore, and transfer the same to the file of the Sub Court, Kancheepuram.



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2.I heard Mr.B.Sudhakar and I have gone through the affidavit.

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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 04.11.2020. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in F.C.O.P.No.121 of 2024 for restitution of conjugal rights before the Family Court, Vellore. Pleading that the wife is residing in Kancheepuram, and unable to travel from Kancheepuram to Vellore, 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 with



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WEB COMP 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 Kancheepuram and Vellore 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, F.C.O.P.No.121 of 2024 is withdrawn from the file of the Family Court, Vellore, and transferred to the file of the Sub Court, Kancheepuram.

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

31.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.



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To

- 1.The Judge,
Family Court,
Vellore.
- 2.The Subordinate Judge,
Sub Court, Kancheepuram.

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