



Tr CMP.No.844 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.844 of 2024 &
CMP.No.18750 of 2024

Mageshwari : Petitioner

versus

Senthilkumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.42 of 2024 pending on the file of the Family Court, Cuddalore and transfer the same to the file of the Sub Court, Mayiladuthurai.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.V.Balamurugan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.42 of 2024 from the file of the Family Court at Cuddalore and transfer the same to the file of the Sub Court at Mayiladuthurai.



Tr CMP.No.844 of 2024

WEB COPY

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

3. The petitioner married the respondent on 02.11.2014. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.42 of 2024 for divorce before the learned Family Judge, Cuddalore. The petitioner/wife initiated proceedings in HMOP.No.110 of 2024 for restitution of conjugal rights before the learned Subordinate Judge, Mayiladuthurai. Pleading that she is residing in Mayiladuthurai and unable to travel from Mayiladuthurai to Cuddalore, 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



Tr CMP.No.844 of 2024

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 Mayiladuthurai and Cuddalore 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.

5. Accordingly, H.M.O.P.No.42 of 2024 is withdrawn from the file of the Family Court at Cuddalore and is transferred to the file of the Sub Court, Mayiladuthurai. The learned Subordinate Judge at Mayiladuthurai, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.110 of 2024, which is said to be pending on his file.

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

24.01.2025

nl

Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No

Page 3 of 5



WEB COPY



Tr CMP.No.844 of 2024



WEB COPY



Tr CMP.No.844 of 2024

V.LAKSHMINARAYANAN, J.
nl

To

- 1.The Family Judge, Family Court, Cuddalore
- 2.The Subordinate Judge, Sub Court, Mayiladuthurai

Tr CMP.No.844 of 2024

24.01.2025