



Tr CMP.No.810 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.810 of 2024 &
CMP.No.17988 of 2024

S.Vidya : Petitioner

versus

M.L.Sairam : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to transfer FCOP.No.12 of 2024 on the file of the Family Court, Erode to the Sub Court at Poonamallee.

For Petitioner : Mr.R.Thangamani

For Respondent : Mr.S.N.Arunkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of FCOP.No.12 of 2024 from the file of the Family Court, Erode and transfer the same to the file of the Sub Court at Poonamallee.



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

3. The petitioner married the respondent on 23.05.2014. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in F.C.O.P.No.12 of 2024 for divorce on the grounds of cruelty before the learned Family Court at Erode. The petitioner/wife pleaded that the child is a special child. Pleading that she is residing in Avadi and unable to travel from Avadi to Erode, 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 Avadi and Erode is considerable and the child being a special child, it will be difficult for the wife to leave the child behind and travel to



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attend the Court. Therefore, I am inclined to accept the transfer.

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5. Accordingly, FCOP.No.12 of 2024 is withdrawn from the file of the Family Court at Erode and transferred to the file of the Sub Court at Poonamallee.

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

To

1.The Family Judge, Family Court, Erode

2.The Subordinate Judge, Sub Court, Poonamallee



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V.LAKSHMINARAYANAN, J.
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