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Tr.C.M.P.No.1063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1063 of 2024
& C.M.P.No.23398 of 2024

R.Hemavathy @ Sorna

.. Petitioner

Vs

S.Kamalesh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the H.M.O.P.No.79 of 2024 from the file of Hon'ble Family Court, Chengalpattu to the file of Sub Court, Ponneri to meet the end of justice.

For Petitioner : Mr.N.Dharani Kumar

For Respective : Mr.K.Rahul

ORDER

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



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2.This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.79 of 2024 from the file of the learned Family Court, Chengalpattu and transfer the same to the file of the Sub Court, Ponneri.

3.The petitioner married the respondent on 28.08.2020. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.79 of 2024 for divorce before the learned Family Court, Chengalpattu. Pleading that the wife is residing in Ponneri and unable to travel from Ponneri to Chengalpattu, she 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 Ponneri and Chengalpattu is considerable, I am



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inclined to accept the transfer.

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5. Accordingly, H.M.O.P.No.79 of 2024 is withdrawn from the file of the learned Family Court, Chengalpattu and transferred to the file of the Sub Court, Ponneri.

6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Family Court, Chengalpattu.

2. The Sub Court, Ponneri.



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V. LAKSHMINARAYANAN,J.

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