



Tr CMP.No.835 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.835 of 2024 &
CMP.No.18495 of 2024

C.Radha : Petitioner

versus

V.Kishore : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in HMOP.No.45 of 2024 on the file of the Principal Subordinate Judge, Hosur and transfer the same to the file of the Sub Court, Gobichettipalayam.

For Petitioner : Mr.A.V.Arun

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks



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withdrawal of HMOP.No.45 of 2024 from the file of the Principal Sub Court, Hosur and transfer the same to the file of the Sub Court, Gobichettipalayam.

2. I heard the learned counsel for the petitioner. I have gone through the affidavit.

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 10.06.2022. 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.45 of 2024 for divorce before the learned Principal Subordinate Judge, Hosur. Pleading that she is residing in Gobichettipalayam and unable to travel from Gobichettipalayam to Hosur, the wife 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



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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 Gobichettipalayam and Hosur is considerable, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.45 of 2024 is withdrawn from the file of the Principal Sub Court, Hosur and is transferred to the file of the learned Sub Court at Gobichettipalayam.

7. The Transfer Civil Miscellaneous Petition is ordered on the above terms. 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 Principal Subordinate Judge, Principal Sub Court, Hosur
- 2.The Subordinate Judge, Sub Court, Gobichettipalayam

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