



Tr CMP.No.818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.818 of 2024 &
CMP.No.18163 of 2024

Nivetha : Petitioner

versus

S.Ram Kumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw HMOP.No.2317 of 2024 from the file of Principal Family Court, Chennai and transfer the same to the file of the Family Court, Chengalpet.

For Petitioner : Mr.A.Velmurugan

For Respondents : Mr.Duraikannan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.2317 of 2024 from the file of the Principal Family Court, Chennai and transfer the same to the file of the Family Court at Chengalpet.



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

3. The petitioner married the respondent on 26.11.2020. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.2317 of 2024 for divorce on the ground of cruelty before the learned Principal Family Judge at Chennai. Pleading that she is residing in Chengalpet and unable to travel from Chengalpet to Chennai, 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 Chengalpet and Chennai is considerable, I am inclined to accept the transfer.



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5. Accordingly, H.M.O.P.No.2317 of 2024 is withdrawn from the file of the Principal Family Court at Chennai and is transferred to the file of the learned Family Court at Chengalpet.

6. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable

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 Family Judge, Principal Family Court, Chennai
- 2.The Family Judge, Family Court, Chengalpet

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