



Tr CMP.No.861 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.861 of 2024 &
CMP.No.19019 of 2024

Nalini : Petitioner

versus

Mohanraj : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the GWOP No.384 of 2022 from the file of the Family Court, Salem and transfer the same to the Family Court, Dharmapuri.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.J.Nalliappan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of GWOP.No.384 of 2022 from the file of the Family Court, Salem and transfer the same to the file of the Family Court at Dharmapuri.



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

3. The petitioner married the respondent on 04.03.2015. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.46 of 2020 for divorce before the learned Subordinate Judge at Harur. The respondent/husband initiated proceedings in GWOP.No.384 of 2022 for custody before the learned Family Judge at Salem. Pleading that the wife is residing in Dharmapuri and unable to travel from Dharmapuri to Salem, 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 Dharmapuri and Salem is considerable, I am inclined to accept the



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transfer.

5. Accordingly, GWOP.No.384 of 2022 is withdrawn from the file of the Family Court, Salem and is transferred to the file of the Family Court at Dharmapuri.

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. 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, Salem



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2.The Family Judge, Family Court, Dharmapuri

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V. LAKSHMINARAYANAN, J.
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