



Tr CMP.No.846 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.846 of 2024 &
CMP.No.18754 of 2024

R.Saratha : Petitioner

versus

G.Dhenesh : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw MOP.No.333 of 2024 on the file of the Family Court, Pondicherry and transfer the same to the Principal Subordinate Court, Trichy.

For Petitioner : Mr.R.Suryakumaran

For Respondent : Mr.R.Sreedhar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of M.O.P.No.333 of 2024 from the file of the Family Court, Pondicherry and transfer the same to the file of the Principal Sub Court in Trichy.



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

3. The petitioner married the respondent on 24.05.2020. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in M.O.P.No.333 of 2024 for divorce before the learned Family Judge at Pondicherry. Pleading that she is residing in Trichy and unable to travel from Trichy to Pondicherry, 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 Trichy and Pondicherry is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am



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inclined to accept the transfer.

5. Accordingly, M.O.P.No.333 of 2024 is withdrawn from the file of the Family Court at Pondicherry and is transferred to the file of the Principal Sub Court at Trichy.

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



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V.LAKSHMINARAYANAN, J.
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To

1.The Family Judge, Family Court, Pondicherry

2.The Principal Subordinate Judge, Principal Sub Court, Trichy

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