



WEB COPY



Tr CMP.No.858 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.858 of 2024 &
CMP.No.18891 of 2024

D.Saranya : Petitioner

versus

A.Appu @ Thirunavukkarasu : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer HMOP.No.391 of 2023 on the file of the Subordinate Judge, Alandur and to try along with HMOP.No.75 of 2022 pending on the file of the Sub Court at Arni.

For Petitioner : Mr.B.S.Ramesh

For Respondent : Mr.C.R.Malarvannan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.391 of 2023 from the file of the Sub Court, Alandur and transfer the same to the file of the Sub Court at Arani, to be



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tried along with H.M.O.P.No.75 of 2022.

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

3. The petitioner married the respondent on 01.02.2021. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.75 of 2022 for restitution of conjugal rights before the learned Subordinate Judge at Arani. The respondent/husband initiated proceedings in H.M.O.P.No.391 of 2023 for divorce before the learned Subordinate Judge at Alandur. Pleading that the wife is residing in Arani and unable to travel from Arani to Alandur, 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



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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 Arani and Alandur is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.391 of 2023 is withdrawn from the file of the Sub Court at Alandur and transferred to the file of the Sub Court at Arani. The learned Subordinate Judge at Arani, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.75 of 2022, which is said to be pending on his file.

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 Subordinate Judge, Sub Court, Alandur
- 2.The Subordinate Judge, Sub Court, Arani

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24.01.2025