



Tr CMP.No.863 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.863 of 2024 &
CMP.No.19066 of 2024

Sumithra : Petitioner

versus

M.Karthik : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the original petition in HMOP.No.224 of 2023 against me, pending on the file of the Subordinate Judge at Poonamallee and transfer the same to any one of the competent Family Court at Chennai.

For Petitioner : Mr.J.Radhakrishnan

For Respondent : Mr.R.Parthiban

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.224 of 2023 from the file of the Sub Court at



Tr CMP.No.863 of 2024

Poonamallee and transfer the same to the file of the Family Court in Chennai.

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

3. The petitioner married the respondent on 16.06.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.224 of 2023 for divorce before the learned Subordinate Judge at Poonamallee. Pleading that she is residing in Chennai and unable to travel from Chennai to Poonamallee, 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



Tr CMP.No.863 of 2024

be given a superior consideration than that of the husband. As the distance between Chennai and Poonamallee is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.224 of 2023 is withdrawn from the file of the Sub Court at Poonamallee and is transferred to the file of the Family Court at Chennai.

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



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Tr CMP.No.863 of 2024

V.LAKSHMINARAYANAN, J.
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To

- 1.The Subordinate Judge, Sub Court, Poonamallee
- 2.The Family Judge, Family Court, Chennai

Tr CMP.No.863 of 2024

24.01.2025