



Tr CMP.No.827 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.827 of 2024 &
CMP.No.18388 of 2024

T.G.Saranya @ Lakshmi : Petitioner

versus

K.V.Arunkumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw HMOP.No.4594 of 2023 on the file of the IV Additional Family Court at Chennai and transfer the same to the file of the Principal Sub Court at Chengalpet to be jointly tried with HMOP.No.26 of 2024.

For Petitioner : Mr.M.Stalin

For Respondent : Ms.K.Amudhavalli

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.4594 of 2023 from the file of the IV Additional Family Court, Chennai and transfer the same to the file of the Principal Sub



Tr CMP.No.827 of 2024

Court at Chengalpet, to be tried along with H.M.O.P.No.26 of 2024.

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

3. The petitioner married the respondent on 02.05.2018. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.26 of 2024 for divorce on the grounds of cruelty and desertion before the learned Principal Subordinate Judge at Chengalpet. The respondent/husband initiated proceedings in H.M.O.P.No.4594 of 2024 for divorce on the grounds of cruelty, desertion and mental disorder before the learned IV Additional 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.

5.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



Tr CMP.No.827 of 2024

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.

6. Accordingly, H.M.O.P.No.4594 of 2023 is withdrawn from the file of the IV Additional Family Court, Chennai and is transferred to the file of the Principal Sub Court at Chengalpet. The learned Principal Subordinate Judge at Chengalpet, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.26 of 2024, which is said to be pending on his file. The learned Principal Subordinate Judge shall enquire whether the parties are willing to settle the dispute through mediation and if so, he shall refer the matter to the mediation center attached to the court.

7. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

nl



Tr CMP.No.827 of 2024

Index : Yes/No
Speaking Order/Non speaking order
Neutral Citation : Yes/No



Tr CMP.No.827 of 2024

V.LAKSHMINARAYANAN, J.
nl

To

- 1.The IV Additional Family Judge, IV Additional Family Court, Chennai
- 2.The Principal Subordinate Judge, Principal Sub Court, Chengalpet

Tr CMP.No.827 of 2024

24.01.2025