



Tr CMP.No.853 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.853 of 2024 &
CMP.No.18870 of 2024

Kaviya : Petitioner

versus

Prabhu @ Prashanth : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the petition for divorce filed by the respondent in HMOP.No.50 of 2024 pending on the file of the Subordinate Court, Harur and transfer the same to the Subordinate Court, Rasipuram.

For Petitioner : Mr.S.Senthil

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.50 of 2024 from the file of the Sub Court at Harur and transfer the same to the file of the Sub Court at Rasipuram.



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2. I heard Mr.S.Senthil for the petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 01.07.2018. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.50 of 2024 for divorce before the learned Subordinate Judge at Harur. Pleading that she is residing in Nadupatti, Namakkal District and unable to travel from Nadupatti to Harur, 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



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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 Nadupatti and Harur is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.50 of 2024 is withdrawn from the file of the Sub Court at Harur and transferred to the file of the Sub Court, Rasipuram.

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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V.LAKSHMINARAYANAN, J.
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To

- 1.The Subordinate Judge, Sub Court, Harur
- 2.The Subordinate Judge, Sub Court, Rasipuram

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