



Tr CMP.No.823 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.823 of 2024 &
CMP.No.18259 of 2024

Vasuki : Petitioner

versus

S.P.Sivakumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the proceedings in HMOP.No.2744 of 2023 now pending on the file of the V Additional Family Court, Chennai and transfer the same to the file of the Family Court, Ramanathapuram to be tried along with HMOP.No.82 of 2023.

For Petitioner : Mr.P.Raja

For Respondent : Mr.Periaswamy I.

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.2744 of 2023 from the file of the V Additional



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Family Court, Chennai and transfer the same to the file of the Family Court at Ramanathapuram.

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

3. The petitioner married the respondent on 21.06.2002. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in HMOP.No.82 of 2023 for divorce on the ground of cruelty. The respondent/husband initiated proceedings in HMOP.No.2744 of 2023 for restitution before the learned V Additional Family Judge at Chennai. Pleading that she is residing in Ramanathapuram and unable to travel from Ramanathapuram to Chennai, 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



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between Ramanathapuram and Chennai is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.2744 of 2023 is withdrawn from the file of the V Additional Family Court, Chennai and is transferred to the file of the Family Court at Ramanathapuram.

6. The Family Court, Ramanathapuram 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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V.LAKSHMINARAYANAN, J.
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To

1.The V Additional Family Judge, V Additional Principal Family Court,
Chennai

2.The Family Judge, Family Court, Ramanathapuram

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