



Tr CMP.No.854 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.854 of 2024 &  
CMP.No.18874 of 2024

M.Vanitha @ Priyadharshini : Petitioner

versus

J.Kanthan @ Karthikeyan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the divorce petition in HMOP.No.66 of 2024 on the file of the Sub Court at Thiruvottriyur, Thiruvallur District and to transfer the same to the file of the Principal Sub Court at Pudukottai District.

For Petitioner : Mr.R.Vijaya Kumar

For Respondent : Mr.D.Lazar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.66 of 2024 from the file of the Sub Court, Thiruvottriyur and transfer the same to the file of the Principal Sub Court at



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Pudukottai.

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

3. The petitioner married the respondent on 07.02.2020. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.66 of 2024 for divorce before the learned Subordinate Judge at Thiruvottriyur. Pleading that she is residing in Pudukottai and unable to travel from Pudukottai to Thiruvottriyur, 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 between Thiruvottriyur and Pudukottai is considerable, I am inclined to



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accept the transfer.

5. Accordingly, H.M.O.P.No.66 of 2024 is withdrawn from the file of the Sub Court at Thiruvottriyur and is transferred to the file of the Principal Sub Court at Pudukottai.

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

To

1. The Subordinate Judge, Sub Court, Thiruvottriyur
2. The Principal Subordinate Judge, Principal Sub Court, Pudukottai



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**V.LAKSHMINARAYANAN, J.**  
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