



Tr.C.M.P.No.1120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1120 of 2024
and C.M.P.No.24656 of 2024

A.Priyasasi

.. Petitioner

Vs

M.Velmurugan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in O.P.No.267 of 2023 pending on the file of the Sub Court at Uttamapalayam and transfer the same to the Sub Court at Poonamallee, at Chennai and tried jointly together with O.P.No.120 of 2024.

For Petitioner : Mr.B.Balamurali

For Respondent : Mr.K.P.P.Raja Raja Chozhan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.267 of 2023 from the file of the Sub Court at Uttamapalayam and transfer the same to the Sub Court at Poonamallee, at Chennai.



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

3.The petitioner married the respondent on 16.06.2016. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.267 of 2023 for divorce before the learned Subordinate Judge, Uttamapalayam. The petitioner/wife filed a petition in O.P.No.120 of 2024 for restitution of conjugal rights before the Sub Court, Ponnammallee. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Uttamapalayam, she 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 Chennai and Uttamapalayam is considerable and since



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it will be difficult for the wife to travel to attend the Court, I am inclined

WEB COPY to accept the transfer.

5. Accordingly, H.M.O.P.No.267 of 2023 is withdrawn from the file of the learned Subordinate Judge at Uttamapalayam and transferred to the file of the learned Subordinate Judge at Poonamallee, Chennai.

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

24.01.2025

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

rts



WEB COPY



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V. LAKSHMINARAYANAN, J.

rts

To

- 1.The Subordinate Judge at Uttamapalayam
- 2.The Subordinate Judge at Poonamallee, Chennai.

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