



Tr CMP.No.841 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.841 of 2024 &
CMP.No.18718 of 2024

Gayathri : Petitioner

versus

Vignesh : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw HMOP.No.182 of 2024 pending on the file of the Subordinate Judges' Court, Ambattur, Chennai and transfer the same to the file of the Principal Subordinate Judges' Court, Vriddhachalam, Cuddalore District.

For Petitioner : Mr.E.Durai

For Respondent : Mr.C.N.Raman

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP.No.182 of 2024 from the file of the Sub Court, Ambattur and transfer the same to the file of the Sub Court, Virudhachalam, Cuddalore District.



Tr CMP.No.841 of 2024

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

3. The petitioner married the respondent on 27.01.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.182 of 2024 for divorce before the learned Subordinate Judge, Ambattur. Pleading that she is residing in Virudhachalam and unable to travel from Virudhachalam to Ambattur, 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 Virudhachalam and Ambattur is considerable, I am inclined to



Tr CMP.No.841 of 2024

accept the transfer.

5. Accordingly, H.M.O.P.No.182 of 2024 is withdrawn from the file of the Sub Court, Ambattur and is transferred to the file of the Sub Court, Virudhachalam. The learned Subordinate Judge, Virudhachalam, on transfer of the proceedings, shall renumber the petition and enquire that the parties are in case willing to settle the dispute through mediation and if so, he shall refer them to the Mediation Centre attached to the court.

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, Ambattur

2. The Subordinate Judge, Sub Court, Virudhachalam, Cuddalore District.

Page 3 of 4



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Tr CMP.No.841 of 2024

V.LAKSHMINARAYANAN, J.
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Tr CMP.No.841 of 2024

24.01.2025