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Tr.C.M.P.No.856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.856 of 2023
& C.M.P.No.20451 of 2023

S.Balaparvathi

.. Petitioner

Vs

M.Govindan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.72 of 2021 pending on the file of the learned Subordinate Judge at Devakottai and transfer the same to the file of the learned Subordinate Judge, Pollachi.

For Petitioner : Mr.R.Nandha Kumar

For Respondent : Mr.M.Sengu Vijay

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.72 of 2021 from the file of the learned



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Subordinate Judge at Devakottai and transfer the same to the file of the learned Subordinate Judge, Pollachi.

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

3. The petitioner married the respondent on 29.11.2007. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.72 of 2021 for divorce before the learned Subordinate Judge at Devakottai. At the time of filing HMOP, the wife was working in Karaikudi. The wife pleads that now she is working in Coonoor. Therefore, it is difficult for her to attend the Court at Devakottai. She further pleads that her parents are living in Pollachi and they take care of her child. Therefore, 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



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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 Pollachi and Devakottai 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.

5. Accordingly, H.M.O.P.No.72 of 2021 is withdrawn from the file of the learned Subordinate Judge at Devakottai and transferred to the file of the learned Subordinate Judge, Pollachi.

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

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V. LAKSHMINARAYANAN,J.

To

Kj

- 1.The Subordinate Judge, Devakottai.
- 2.The Subordinate Judge, Pollachi.

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