



Tr CMP.No.862 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.862 of 2024 &
CMP.No.19024 of 2024

S.Sneha : Petitioner

versus

M.Rajeshkumar : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the divorce petition in HMOP.No.2407 of 2024 pending before the learned I Additional Family Court, Chennai to the Sub Court, Attur, Salem District.

For Petitioner : Mr.E.Kannadasan

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.2407 of 2024 from the file of the I Additional



Tr CMP.No.862 of 2024

WEB COPY

Family Court, Chennai and transfer the same to the file of the Sub Court, Attur, Salem District.

2. I heard Mr.E.Kannadasan for the petitioner. I have gone through the affidavit.

3. The petitioner married the respondent on 11.11.2018. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.2407 of 2024 for divorce before the learned I Additional Family Judge at Chennai. Pleading that she is residing in Salem and unable to travel from Salem 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



Tr CMP.No.862 of 2024

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 Salem 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 Accordingly, H.M.O.P.No.2407 of 2024 is withdrawn from the file of the I Additional Family Court, Chennai and is transferred to the file of the Sub Court, Attur, Salem District.

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

24.01.2025

nl

Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



WEB COPY



Tr CMP.No.862 of 2024

V.LAKSHMINARAYANAN, J.
nl

To

- 1.The I Additional Family Judge, I Additional Family Court, Chennai
- 2.The Subordinate Judge, Sub Court, Attur, Salem District.

Tr CMP.No.862 of 2024

24.01.2025