



Tr.C.M.P.No.980 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.980 of 2024

&

CMP.No.21451 of 2024

B.Sornalakshmi

...

Petitioner

Vs

M.Vignesh

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the case in HMOP No.412 of 2024 from the file of the learned III Additional Family Court, Chennai to the learned Subordinate Court, Kancheepuram, Kancheepuram District.

For Petitioner

...

Ms.R.Hemalatha

For Respondent

...

No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.412 of 2024 from the file of the learned III Additional Family Court, Chennai and transfer the same to the file of Subordinate Court, Kancheepuram, Kancheepuram District.



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2. I heard Ms.R.Hemalatha for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4.The petitioner married the respondent on 22.08.2014. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.216 of 2022 for divorce before the learned Subordinate Court, Kancheepuram. The respondent/husband initiated proceedings in HMOP No.412 of 2024 for restitution of conjugal rights before the III Additional Family Court, Chennai. Pleading that the wife is residing in Kancheepuram District and unable to travel from Kancheepuram District to Chennai, she has moved this transfer petition.



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5. 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 Kancheepuram and Chennai 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.

6. Accordingly, HMOP No.412 of 2024 is withdrawn from the file of the III Additional Family Court, Chennai and transferred to the file of the Subordinate Court, Kancheepuram, Kancheepuram District. The learned Sub Judge, Kancheepuram, on transfer of the proceedings, shall re-number the same and try it along with HMOP No.216 of 2022 which is said to be pending on his file.



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7. With the above observations, the Transfer Petition is ordered. No

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costs. Consequently, the connected miscellaneous petition is closed.

Index:Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The III Additional Family Court, Chennai.

2.The Subordinate Court, Kancheepuram, Kancheepuram District.

V. LAKSHMINARAYANAN,J.

mrp



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