



Tr CMP.No.867 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.867 of 2024 &
CMP.No.19165 of 2024

T.Revathy : Petitioner

versus

P.Hariharan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the case in HMOP.No.710 of 2022 pending before the Subordinate Court, Poonamallee and the same may be transferred to the VII Additional Family Court, Chennai.

For Petitioner : Ms.V.Kayalvizhi

For Respondent : Mr.S.Vijayanand

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.710 of 2022 from the file of the Sub Court at



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Poonamallee and transfer the same to the file of the VII Additional Family Court in Chennai.

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

3. The petitioner married the respondent on 11.03.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in HMOP.No.710 of 2022 for dissolution of marriage before the learned Subordinate Judge, Poonamallee. The petitioner/wife initiated proceedings in H.M.O.P.No.2729 of 2024 for restitution of conjugal rights before the learned VII Additional Family Judge at Chennai. The wife has moved this transfer petition seeking transfer of HMOP.No.710 of 2022 from the Sub Court, Poonamallee to the file of the VII Additional Family Court at Chennai, where HMOP.No.2729 of 2024 is pending.

4. Mr.S.Vijayanand, the counsel representing the husband represented that the husband has no objection for transfer of the proceedings.



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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 Chennai and Poonamallee is considerable, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.710 of 2022 is withdrawn from the file of the Sub Court at Poonamallee and is transferred to the file of the VII Additional Family Court at Chennai. The learned VII Additional Family Judge at Chennai, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.2729 of 2024, which is said to be pending on his file.



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7. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

8. 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



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To

- 1.The Subordinate Judge, Sub Court, Poonamallee
- 2.The VII Additional Family Judge, VII Additional Family Court, Chennai



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V. LAKSHMINARAYANAN, J.
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