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Tr.C.M.P.No.899 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.899 of 2024

&

C.M.P.No.19748 of 2024

K.Sandhiya

.. Petitioner

Vs

R.Sudhakar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.G.W.O.P.No.149 of 2024 from the file of the learned Family Court of Vellore and transfer the same to the file of the Family Court, Chennai.

For Petitioner : M/s.J.Gunesh

For Respondent : No appearance

O R D E R

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.G.W.O.P.No.149 of 2024 from the file of the Family Court at Vellore and transfer the same to the file of Family Court at Chennai.



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2. I heard the learned counsel for the 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 06.11.2020. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.G.W.O.P.No.149 of 2024 for declaration of guardianship of minor Sreejith before the learned Judge, Family Court, Vellore. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Vellore, she has moved this transfer petition.

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



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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 Vellore 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, HMGWOP No.149 of 2024 is withdrawn from the file of the Family Court, Vellore and transferred to the file of the Family Court, Chennai. The learned Judge, Family Court, Chennai on transfer of the proceedings, shall re-number the same and proceed further.

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.



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V. LAKSHMINARAYANAN,J.

mrp

8. With the above observations, the Transfer Petition is ordered.

No costs. Consequently, the connected miscellaneous petition is closed.

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The Judge, Family Court, Vellore.

2.The Judge, Family Court, Chennai.

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