



Tr.C.M.P.No.884 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.884 of 2024
and C.M.P.No.19377 of 2024

Saranya

.. Petitioner

Vs.

N.V.Rajesh

.. Respondent

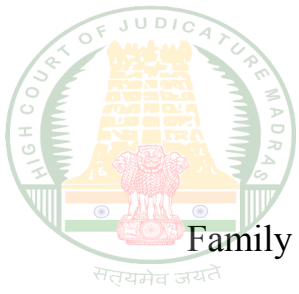
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the H.M.O.P.No.4307 of 2023 pending on the file of the VII Additional Family Court, at Chennai and transfer the same to the file of the Sub Court, Gopichettpalayam, Erode District.

For Petitioner : Mr.K.Mahalingam

For Respondent : Mr.M.Venkadesh Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.4307 of 2023 from the file of the VII Additional



Tr.C.M.P.No.884 of 2024

Family Court, at Chennai and transfer the same to the file of the Sub Court,
Gopichettipalayam, Erode District.

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

3.The petitioner married the respondent on 19.06.2013. 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.O.P.No.4307 of 2023 for dissolution of the marriage solemnized between the petitioner and the respondent on 19.06.2013 before the VII Additional Family Court, at Chennai. Pleading that the wife is residing in Gobichettipalayam, Erode District and unable to travel from Gobichettipalayam to Chennai, 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 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



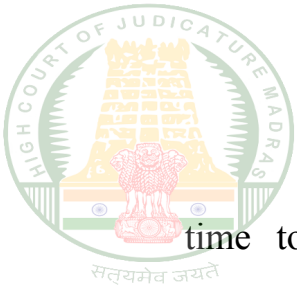
Tr.C.M.P.No.884 of 2024

WEB CO 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 Gobichettipalayam 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.

5.Mr.M.Venkadesh Kumar submitted that the respondent has no objection to transfer the case from Chennai to Gobichettipalayam, Erode District.

6.Accordingly, H.M.O.P.No.4307 of 2023 is withdrawn from the file of the VII Additional Family Court, at Chennai, and transferred to the file of the Sub Court, Gobichettipalayam, Erode District.

7.Mr.M.Venkadesh Kumar states that the petitioner is not permitting the father to interact with the child. This is stoutly denied by Mr.K.Mahalingam. He states that the respondent – husband is welcome at any



Tr.C.M.P.No.884 of 2024

WEB.COM

time to visit the child. Mr.K.Mahalingam further points out that the maintenance amount is not paid. Mr.M.Venkadesh Kumar states that the respondent deposited the amount.

8.The arrears will have to be paid within a period of eight (8) weeks from today and the monthly maintenance should be paid without any default. In case, the husband pays the deficit & maintenance amount month on month, he will be entitled to visit the child on second and fourth Sunday of every month. If respondent is not able to visit the child during the second and fourth Sunday of every month, then compensatory visitation shall be given during the alternative week.

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

31.01.2025

krk
Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



Tr.C.M.P.No.884 of 2024

WEB COPY

To

- 1.The VII Additional Judge,
VII Additional Family Court,
Chennai.
- 2.The Subordinate Judge,
Sub Court, Gobichettipalayam,
Erode District.



WEB COPY



Tr.C.M.P.No.884 of 2024

V.LAKSHMINARAYANAN, J.

krk

Tr.C.M.P.No.884 of 2024

31.01.2025