



Tr CMP.No.885 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.885 of 2024 &
CMP.No.19378 of 2024

D.Kaviya : Petitioner

versus

G.J.Prasad : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the original petition in HMOP.No.144 of 2023 on the file of the Subordinate Judge, Gudiyattam, Vellore District and transfer the same to the file of the Sub Court, Tirupattur, Tirupattur District.

For Petitioner : Mr.K.A.Ravindran

For Respondent : Mr.M.Marudhachalam

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.144 of 2023 from the file of the Sub Court at Gudiyattam and transfer the same to the file of the Sub Court in Tirupattur.



Tr CMP.No.885 of 2024

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

3. The petitioner married the respondent on 01.02.2021. 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.144 of 2023 for divorce before the learned Subordinate Judge at Gudiyattam. Pleading that she is residing in Tirupattur and unable to travel from Tirupattur to Gudiyattam, 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 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 Tirupattur and Gudiyattam is considerable and since it will be



Tr CMP.No.885 of 2024

difficult for the wife to leave the child behind and travel to attend the Court,

I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.144 of 2023 is withdrawn from the file of the Sub Court at Gudiyattam and is transferred to the file of the Sub Court at Tirupattur.

6. 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

To

1. The Subordinate Judge, Sub Court, Gudiyattam

2. The Subordinate Judge, Sub Court, Tirupattur



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Tr CMP.No.885 of 2024

V.LAKSHMINARAYANAN, J.
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Tr CMP.No.885 of 2024

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