



Tr.C.M.P.No.901 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.901 of 2024

&

C.M.P.No.19775 of 2024

C.R. Preethi	...	Petitioner
	Vs	
M. Shankar Kumar	...	Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., for withdrawal of HMOP No.451 of 2023 on the file of the Family Court, Trichy and transfer the same to Family Court, Coimbatore to be tried together along with HMOP No.2130 of 2022.

For Petitioner : Mr.R. Baskar
For Respondent : Mr. A.Ilayaperumal

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.451 of 2023 from the file of the learned Family Court, Trichy and transfer the same to the file of the Family Court, Coimbatore to be tried together along with HMOP No.2130 of 2022.



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

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3. The petitioner married the respondent on 19.10.2011. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in HMOP No.2130 of 2022 for restitution of conjugal rights before the Family Court, Coimbatore and the Respondent/husband initiated proceedings in H.M.O.P.No.451 of 2023 for divorce before the IV Additional Family Court, Trichy. Pleading that the wife is residing in Coimbatore and unable to travel from Coimbatore to Trichy, 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 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 Coimbatore and Trichy is considerable and since it will be difficult for the wife to leave the child behind and travel to attend



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the Court, I am inclined to accept the transfer.

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5. Accordingly, HMOP No.451 of 2013 is withdrawn from the file of the Family Court, Trichy and transferred to the file of the Family Court, Coimbatore. The learned Judge, Family Court, Coimbatore, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.2130 of 2022, which is said to be pending on his file.

6. 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.

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

2. The Family Court, Coimbatore.



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V. LAKSHMINARAYANAN,J.

mrp

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