



Tr.C.M.P.No.1161 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.1161 of 2024

S.Aishwarya

.. Petitioner

Vs

S.Dinesh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw H.M.O.P.No.723 of 2024 pending on the file of the learned Principal Family Court at Coimbatore and transfer the same to the learned Family Court at Kumbakonam.

For Petitioner : Mr.Vadiraj Anirud S.G.

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.723 of 2024 from the file of the learned Principal Family Court at Coimbatore and transfer the same to the



Tr.C.M.P.No.1161 of 2024

learned Family Court at Kumbakonam.

WEB COPY

2. I heard Mr.Vadiraj Anirudhu S.G for the transfer 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 23.08.2018. From the wedlock, they were blessed with one male child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.723 of 2024 for divorce before the learned Principal Family Court at Coimbatore. Pleading that now the wife is residing in Kumbakonam at her parent's house and unable to travel from Kumbakonam to Coimbatore, 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



Tr.C.M.P.No.1161 of 2024

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 Kumbakonam and Coimbatore 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 Accordingly, H.M.O.P.No.723 of 2024 is withdrawn from the file of the learned Principal Family Court at Coimbatore and transferred to the file of the learned Subordinate Court at Kumbakonam.

7. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs.

24.01.2025

Index :Yes/No

Speaking order/Non-speaking order

Neutral Citation :Yes/No

rts

To

1.The Judge, Principal Family Court, Coimbatore.



Tr.C.M.P.No.1161 of 2024

2.The Subordinate Judge, Kumbakonam.

WEB COPY



WEB COPY



Tr.C.M.P.No.1161 of 2024

V. LAKSHMINARAYANAN, J.

rts

Tr.C.M.P.No.1161 of 2024

24.01.2025