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Tr.C.M.P.No.917 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.917 of 2024

&

C.M.P.No.20048 of 2024

M. Jayashree

...

Petitioner

Vs

J. Gopinath

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer M.O.P.No.448 of 2024 on the file of the Family Court at Puducherry to the file of the Sub Court at Ambattur.

For Petitioner : Mr. J. Saravanel

For Respondent : Mrs. V.V.Sathya

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of M.O.P.No.448 of 2024 on the file of the Family Court at Puducherry and transfer the same to the Sub Court at Ambattur.



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

3. The petitioner married the respondent on 23.11.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in M.O.P.No.448 of 2024 for divorce before Family Court at Pondicherry. The petitioner/wife initiated proceedings in O.P.No.45 of 2025 for restitution of conjugal rights before the Sub Court at Poonamallee. Pleading that now the wife is residing in Chennai and unable to travel from Chennai to Pondicherry, 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 Chennai and Pondicherry is considerable, I am inclined to accept the transfer.



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5. Accordingly, M.O.P.No.448 of 2024 is withdrawn from the file

of the Family Court, Pondicherry and transferred to the file of the Sub Court, Poonamallee. The learned Sub Judge at Poonamallee, on transfer of the proceedings, shall re-number the same and try it along with O.P.No.45 of 2025, which is said to be pending on his file and dispose of both the cases by way of common judgment.

6. 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, Pondicherry

2.The Sub Court, Poonamallee



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V. LAKSHMINARAYANAN,J.

mrp

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