



Tr.C.M.P.No.914 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.914 of 2024

&

C.M.P.No.19999 of 2024

U. Vidya

.. Petitioner

Vs

D. Malliarun

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.749 of 2023 from the file of Family Court, Salem and to transfer the same to the file of Subordinate Court, Virudhunagar.

For Petitioner : Mrs. S. Vasavi Sridevi

For Respondent : D. Malliarun,
Party in person

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.749 of 2023 from the file of the Family Court, Salem and transfer the same to the file of the Subordinate Court, Virudhunagar.

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



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WEB COURT

3. Mr. D.Malliarun, the party in person is present before this Court and he states he has no objection for withdrawing the HMOP No.749 of 2023 from the file of Family Court at Salem and transferring the same to the Subordinate Court at Virudhunagar.

4. The petitioner married the respondent on 07.06.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No. 749 of 2023 for restitution of conjugal rights before Family Court, Salem. Pleading that the wife is residing in Virudhunagar and unable to travel from Virudhunagar to Salem, 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 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.



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WEB COM

6. Taking into consideration the convenience of the wife as well as the no objection tendered by the party in person, I am inclined to accept the transfer.

7. Accordingly, HMOP No.749 of 2023 is withdrawn from the file of the Family Court, Salem and transferred to the file of the Subordinate Court, Virudhunagar. The learned Subordinate Judge, Subordinate Court, Virudhunagar, on transfer of the proceedings, shall re-number the same and proceed further.

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

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1. The Family Court, Salem.

2. The Subordinate Court, Virudhunagar .



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V. LAKSHMINARAYANAN,J.

mrp

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