



WEB COPY



Tr.C.M.P.No.903 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.903 of 2024
& C.M.P.No.19799 of 2024

R.Haripriya

... Petitioner

Vs

S.Karthick

... 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.101 of 2024 from the file of the learned Subordinate Court, Thiruvottiyur and transfer the same to the file of the Subordinate Court, Cheyyar.

For Petitioner : Mr.M.Karthikeyan

For Respondent : Mr.Selvakumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.101 of 2024 from the file of the learned Subordinate Court, Thiruvottiyur and transfer the same to the file of the Subordinate Court, Cheyyar.

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



Tr.C.M.P.No.903 of 2024

WEB COPY

3. The petitioner married the respondent on 12.09.2022. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.62 of 2024 for restitution of conjugal rights before Subordinate Court, Cheyyar. The respondent/husband initiated proceedings in H.M.O.P.No.101 of 2024 for divorce before the Subordinate Court, Thiruvottiyur. Pleading that the wife is residing in Cheyyar and unable to travel from Cheyyar to Thiruvottiyur, 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 Cheyyar and Thiruvottiyur is considerable, I am inclined to accept the transfer.



Tr.C.M.P.No.903 of 2024

WEB COPY

5. Accordingly, HMOP No.101 of 2024 is withdrawn from the file of the Subordinate Court, Thiruvottiur and transferred to the file of the Subordinate Court, Cheyyar . The learned Judge, Subordinate Court, Cheyyar, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.62 of 2024, which is said to be pending on his file.

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

24.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The Sub Judge, Sub Court, Thiruvottiur.

2.The Sub Judge, Sub Court, Cheyyar.



WEB COPY



Tr.C.M.P.No.903 of 2024



WEB COPY



Tr.C.M.P.No.903 of 2024

V. LAKSHMINARAYANAN,J.

mrp

**Tr.C.M.P.No.903 of 2024
& C.M.P.No.19799 of 2024**

24.01.2025