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Tr.C.M.P.No.905 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.905 of 2024
& C.M.P.No.19831 of 2024

Meenambiga

.. Petitioner

Vs

Deepan Chakravarthi

.. 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.474 of 2024 from the file of the learned Family Court, Salem and transfer the same to the file of the Sub Court, Oddanchatram, Dindigul.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mrs.P.Kavitha

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.474 of 2024 from the file of the learned Family Court, Salem and transfer the same to the file of the Sub Court, Oddanchatram, Dindigul.

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



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3. The petitioner married the respondent on 07.09.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.474 of 2024 for restitution of conjugal rights before Family Court, Salem. Pleading that the wife is residing in Oddanchatram and unable to travel from Oddanchatram to Salem, 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 Oddanchatram and Salem is considerable, I am inclined to accept the transfer.

5. Accordingly, HMOP No.474 of 2024 is withdrawn from the file of the Family Court, Salem and transferred to the file of the Subordinate Court, Oddanchatram. The learned Judge, Subordinate Court,



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Oddanchatram, on transfer of the proceedings, shall re-number the same and proceed further.

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 Family Court, Salem.

2.The Sub Court, Oddanchatram.



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V. LAKSHMINARAYANAN,J.

mrp

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