



Tr.C.M.P.No.934 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.934 of 2024

&

C.M.P.No.20396 of 2024

S.Umeshwari	...	Petitioner
	Vs	
K.Srinivasan	...	Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw HMOP No.41 of 2024 pending on the file of the Hon'ble Sub Court Palacode and to transfer the same to the file of the Hon'ble Sub Court at Uthangarai.

For Petitioner	: Mr.T.Arockia Dass
For respondent	: No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.41 of 2024 pending on the file of the Sub Court Palacode and transfer the same to the file of the Sub Court at Uthangarai.



Tr.C.M.P.No.934 of 2024

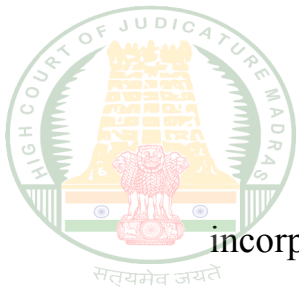
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2. I heard the learned counsel for the petitioner. I have gone through the affidavit.

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 11.04.2016. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.41 of 2024 for divorce before the Sub Court, Palacode. Pleading that the wife is residing in Pattakanur, Badapalli, Uthangarai Taluk, Krishnagiri District and unable to travel from Pattakanur, Badapalli, Uthangarai Taluk, Krishnagiri District to Dharmapuri District, she has moved this transfer petition.

5. The Parliament, while amending the Hindu Marriage Act, has



Tr.C.M.P.No.934 of 2024

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 Uthangarai and Dharmapuri 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.41 of 2024 is withdrawn from the file of the Sub Court, Palacode and transferred to the file of the Sub Court, Uthangarai. The learned Subordinate Judge at Uthangarai, on transfer of the proceedings, shall re-number the same and proceeds further.

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

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

24.01.2025



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Tr.C.M.P.No.934 of 2024

V. LAKSHMINARAYANAN,J.

mrp

To

- 1.Sub Court, Palacode.
- 2.Sub Court, Uthangarai.

Tr.C.M.P.No.934 of 2024
&
C.M.P.Nos.20241 & 20244 of 2024

24.01.2025