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Tr.C.M.P.No.951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.951 of 2024
and C.M.P.No.20836 of 2024

1.Madhuranayagi

2.S.M.Mithun

3.S.M.Karthiga

.. Petitioners

(Petitioners 2 & 3 being minors and
are represented by their mother and
next friend, 1st petitioner herein)

Vs.

S.Sugumar

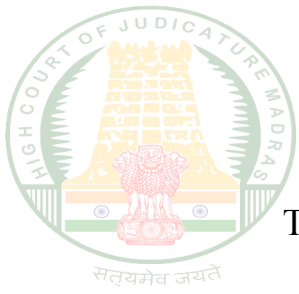
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the M.C.No.7 of 2023 on the file of the learned Judicial Magistrate, Sriperumbudur, to the learned Judicial Magistrate, Thiruporur.

For Petitioners : Mr.D.Vasanth

For Respondent : Mr.G.Mohana Krishnan

ORDER



Tr.C.M.P.No.951 of 2024

This transfer petition is at the instance of the wife. She seeks withdrawal of M.C.No.7 of 2023 from the file of the Judicial Magistrate Court, Sriperumbudur, and transfer the same to the file of the Judicial Magistrate Court, Thiruporur.

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

3.The 1st petitioner married the respondent on 19.11.2010. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioners initiated proceedings in M.C.No.7 of 2023 for maintenance before the Judicial Magistrate Court, Sriperumbudur. Pleading that the petitioners are now residing in Thiruporur and unable to travel from Thiruporur to Sriperumbudur, they have 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



Tr.C.M.P.No.951 of 2024

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 Thiruporur and Sriperumbudur is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, M.C.No.7 of 2023 is withdrawn from the file of the Judicial Magistrate Court, Sriperumbudur, and transferred to the file of the Judicial Magistrate Court, Thiruporur.

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

31.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.



Tr.C.M.P.No.951 of 2024

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To

- 1.The Judicial Magistrate,
Judicial Magistrate Court,
Sriperumbudur.
- 2.The Judicial Magistrate,
Judicial Magistrate Court,
Thiruporur.

Tr.C.M.P.No.951 of 2024

31.01.2025