



WEB COPY



Tr.C.M.P.No.940 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.940 of 2024

&

C.M.P.No.20485 of 2024

Sabari @ L.Sumithra

...

Petitioner

Vs

Balaji @ T.S.Mothilal

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the HMOP No.64 of 2024 on the file of the Sub Court, Perundurai and transfer the same to the Sub Court, Tiruchengode.

For Petitioner ... Mr.M.Guruprasad

For Respondent ... Mr.V.Anandhamoorthy

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.64 of 2024 from the file of the Sub Court, Perundurai and transfer the same to the file of the Sub Court, Tiruchengode.



Tr.C.M.P.No.940 of 2024

WEB COPY

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

3. The petitioner married the respondent on 23.05.2021. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in HMOP No.64 of 2024 for divorce before the Sub Court, Perundurai. Pleading that the wife is residing in Namakkal District and unable to travel from Namakkal District to Perundurai, 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 Namakkal District and Perundurai 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.



Tr.C.M.P.No.940 of 2024

WEB COPY

5. Accordingly, HMOP No.64 of 2024 is withdrawn from the file of the Sub Court, Perundurai and transferred to the file of the Sub Court, Tiruchengode. The learned Sub Judge, Tiruchengode, 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, the connected miscellaneous petition is closed.

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1. Sub Court, Perundurai.

2. Sub Court, Tiruchengode.



WEB COPY



Tr.C.M.P.No.940 of 2024

V. LAKSHMINARAYANAN,J.

mrp

Tr.C.M.P.No.940 of 2024
&
C.M.P.No.20485 of 2024

24.01.2025