



Tr.C.M.P.No.945 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.945 of 2024

&

C.M.P.No.20624 of 2024

Shanthi

...
Vs

Petitioner

S.Sakthivel Kumaran

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the petition in HMOP No.152 of 2024 from the file of the Subordinate Court, Tambaram and transfer the same to the file of the Subordinate Court, Vallioor.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.R.Baskar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.152 of 2024 from the file of the Subordinate Court, Tambaram and transfer the same to the file of the the Subordinate Court, Vallioor.



Tr.C.M.P.No.945 of 2024

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

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3. The petitioner married the respondent on 22.08.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in HMOP.No.152 of 2024 for divorce before the Subordinate Court, Tambaram. Pleading that the wife is residing in Tirunelveli District and unable to travel from Tirunelveli to Chennai, 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 Tirunelveli and Chennai is considerable, I am inclined to accept the transfer.



Tr.C.M.P.No.945 of 2024

5. Accordingly, HMOP No.152 of 2024 withdrawn from the file of

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the Subordinate Court, Tambaram and transferred to the file of the Subordinate Court, Vallioor. The learned Sub Judge, Vallioor, 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.

Index:Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The Subordinate Court, Tambaram.

2. The Subordinate Court, Vallioor.



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Tr.C.M.P.No.945 of 2024

V. LAKSHMINARAYANAN,J.

mrp

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