



Tr.C.M.P.No.968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.968 of 2024

&

C.M.P.Nos.21115 & 21117 of 2024

Saranya

.. Petitioner

Vs

1. R. Sathish

2. M.R.Rajan

3. R.Swarnalatha

.. Respondents

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw DVC No.1 of 2024 before the Hon'ble Judicial Magistrate, Vanur and transfer the same to the file of the Hon'ble Judicial Magistrate, Mahila Court, Pondicherry.

For Petitioner : Mr.E. Chandrasekaran

For Respondent : No appearance.

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of DVC No.1 of 2024 before the Judicial Magistrate, Vanur and transfer the same to the file of the Judicial Magistrate, Mahila Court, Pondicherry.



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2. Though this transfer petition is not listed today, at the instance of the learned counsel for the petitioner, the matter is taken up along with Tr.CMP No.958 of 2024.

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

4. The petitioner married the respondent on 24.11.2017. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in DVC No.1 of 2024 along with interim maintenance application in Cr.M.P.No.49 of 2024 before the Judicial Magistrate, Vanur. In Cr.M.P.No.49 of 2024, the learned Judicial Magistrate, Vanur had passed an interim order directing the respondent/husband to pay a sum of Rs.20,000/- towards maintenance. Against the said order, the respondent/husband had filed an appeal in CrI.A. No. /2024 before the Hon'ble Principal District and Sessions Court, Villupuram. The respondent/husband has also initiated proceedings in MOP No.198 of 2024 for divorce before the Family Court, Pondicherry. Pleading that the wife is residing in Vanur and unable to travel between Vanur and Pondicherry and Villupuram, she has moved this transfer petition.



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WEB COPY 5. 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 cases are pending between the parties in three different places 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, DVC No.1 of 2024 is withdrawn from the file of the Judicial Magistrate, Vanur and transferred to the file of the Judicial Magistrate, Mahila Court, Pondicherry. The learned Judicial Magistrate, Mahila Court, Pondicherry on transfer of the proceedings, shall re-number the same and proceed further.



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V. LAKSHMINARAYANAN,J.

mrp

7. With the above observations, the Transfer Petition is ordered.

No costs. Consequently, the connected miscellaneous petitions are closed.

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

2/2

Neutral Citation: Yes/No

mrp

To

1.The Judicial Magistrate, Vanur.

2.The Judicial Magistrate, Mahila Court, Pondicherry.

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