



Tr.C.M.P.No.983 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.983 of 2024

&

C.M.P.No.21497 of 2024

Lakshmi Priya

.. Petitioner

Vs

R. Thilakaraj

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.136 of 2018 from the file of the Sub Court at Poonamallee and transfer the same to the Sub Court at Vandavasi.

For Petitioner : Mr.B. Jawahar

For Respondent : Mr. K.Hemanathan

O R D E R

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.136 of 2018 from the file of the Sub Court at Poonamallee and transfer the same to the file of the Sub Court at Vandavasi.

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

3. The petitioner married the respondent on 21.06.2004. From the



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wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in HMOP No.45 of 2024 for restitution of conjugal rights before the Sub Court, Vandavasi. The respondent/husband initiated proceedings in HMOP No.136 of 2018 for divorce before the Sub Court, Poonamallee. Pleading that the wife is residing in Vandavasi and unable to travel from Vandavasi to Poonamallee, 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 Vandavasi and Poonamallee 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. Special circumstances in this case for ordering the transfer apart



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from the convenience of the wife is that the husband is a resident of Singapore, so no prejudice will be caused to him if the proceedings are transferred to any part of the State.

6. Accordingly, HMOP No136 of 2018 is withdrawn from the file of the Sub Court, Poonamallee and transferred to the file of the Sub Court, Vandavasi. The learned Sub Judge, Vandavasi, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.45 of 2024, which is said to be pending on his file.

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
mrp

24.01.2025

To
1. The Sub Court, Poonamallee.
2. The Sub Court, Vandavasi.



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V. LAKSHMINARAYANAN,J.
mrp

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