



WEB COPY



Tr.C.M.P.No.963 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.963 of 2024

&

C.M.P.No.21041 of 2024

Bharathi.S.

...

Petitioner

Vs

Chitrarasan Palanivel

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the HMOP No.2180 of 2021 on the file of Hon'ble Sub-Court at Alandur and transfer the same to the file of the Hon'ble Principal Family Court, at Coimbatore.

For Petitioner : Mr.M.Sanathkumar

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.2180 of 2021 from the file of the Sub-Court at Alandur and transfer the same to the file of Principal Family Court, at Coimbatore.



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WEB COPY 2. I heard the learned counsel for the petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 09.07.2014. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner /wife initiated proceedings in HMOP.No.2180 of 2021 for divorce before the Sub Court, Alandur. Presently, the petitioner is working as Delivery Manager – ERP in Glisten Infotech India LLP., Coimbatore. Pleading that due to her occupation, the wife is residing in Coimbatore and unable to travel from Coimbatore to Alandur, she has moved this transfer petition.

5. The Parliament, while amending the Hindu Marriage Act, has incorporated Section 19(iii), permitting a wife to initiate a proceeding in



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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 Coimbatore and Alandur 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.

6. Accordingly, HMOP No.2180 of 2021 is withdrawn from the file of the Sub Court at Alandur and transferred to the file of the Principal Family Court, Coimbatore. The Principal Family Court, Coimbatore, on transfer of the proceedings, shall re-number the same and proceed further.

7. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.



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

No costs. Consequently, the connected miscellaneous petition is closed.

Index: Yes/No

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Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1.Sub-Court at Alandur.

2.Principal Family Court, at Coimbatore.



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V. LAKSHMINARAYANAN,J.

mrp

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