



Tr.C.M.P.No.949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.949 of 2024
and C.M.P.No.20727 of 2024

M.Malar Selvi

.. Petitioner

Vs.

M.Sudalaiyandi

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the H.M.O.P.No.81 of 2024 on the file of the Family Court, Nagercoil and transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.B.A.Chandrasekar

For Respondent : Mr.Govind Chandrasekhar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.81 of 2024 from the file of the Family Court, Nagercoil, and transfer the same to the file of the Sub Court, Tambaram.

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

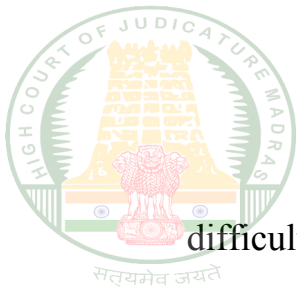


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WEB COPY 3. The petitioner married the respondent on 23.04.2008. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.81 of 2024 for divorce before the Family Court, Nagercoil. Pleading that the wife is residing in Pallavaram, and unable to travel from Pallavaram to Nagercoil, she has moved this transfer petition.

4. Mr. Govind Chandrasekhar submits that the respondent / husband has no objection for the transfer of the proceedings from Nagercoil to Tambaram.

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 the distance between Pallavaram and Nagercoil is considerable and since it will be



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difficult for the wife to leave the child behind and travel to attend the Court, I
am inclined to accept the transfer.

6.Accordingly, H.M.O.P.No.81 of 2024 is withdrawn from the file of
the Family Court, Nagercoil, and transferred to the file of the Sub Court,
Tambaram.

7.With the above observations, the Transfer Petition is ordered.
Consequently, connected miscellaneous petition is closed. No costs.

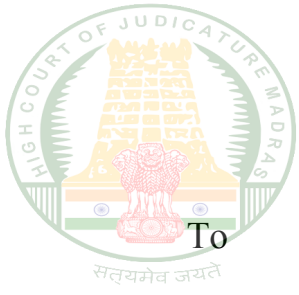
31.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.

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WEB COPY
To
1.The Judge,
Family Court,
Nagercoil.

2.The Subordinate Judge,
Sub Court, Tambaram.

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