



Tr.C.M.P.No.942 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.942 of 2024

&

C.M.P.No.20564 of 2024

F.L.Jiniya

...

Petitioner

Vs

R.Alex Arputhanathan

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw IDOP No.323 of 2024 pending on the file of the learned Family Court, Chengalpattu and transfer the same to the Principal District at Thiruvallur to be tried along with IDOP SR.No.2217 of 2024.

For Petitioner ... Ms.V.Bhavani

For Respondent ... No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of IDOP No.323 of 2024 from the file of the Family Court, Chengalpattu and transfer the same to the file of the Principal District Judge at Thiruvallur to be tried along with IDOP SR.No.2217 of 2024.

2. I heard Ms.V.Bhavani for the transfer petitioner. I have gone



Tr.C.M.P.No.942 of 2024

through the affidavit.

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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 12.05.2024. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in IDOP No.323 of 2024 for divorce before the Family Court, Chengalpattu. The respondent/wife initiated proceedings in IDOP SR No.2217 of 2024 for restitution of conjugal rights before the District Court at Thiruvallur. Pleading that the wife is residing at Porur in Chennai and unable to travel from Chennai to Chengalpattu, 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 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



Tr.C.M.P.No.942 of 2024

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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. Since the distance between Porur and Chengalattu is considerable, I am inclined to accept the transfer.

6. Accordingly, IDOP No.323 of 2024 is withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Principal District Court, Thiruvallur. The learned Principal District Judge, on transfer of the proceedings, shall re-number the same and try it along with IDOP SR No.2217 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

24.01.2025

Neutral Citation: Yes/No

mrp

To

1. The Family Court, Chengalpattu.

2. The Principal District Court, Thiruvallur.



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Tr.C.M.P.No.942 of 2024

V. LAKSHMINARAYANAN,J.

mrp

Tr.C.M.P.No.942 of 2024
&
C.M.P.No.20564 of 2024

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