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Tr.C.M.P.No.1293 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.1293 of 2024
and C.M.P.No.27938 of 2024

Rajeshwari

.. Petitioner

Vs.

Ramesh

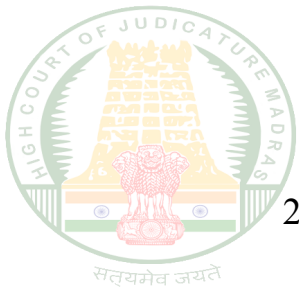
.. Respondent

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.3099 of 2024 before the V Additional Family Court, Chennai and transfer the same to the file of the II Additional Sub Court, Coimbatore and to be tried along with H.M.O.P.No.169 of 2024.

For Petitioner : Mr.Athiban Vijay A.K
For Respondent : Mr.S.Ramesh

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.3099 of 2024 from the file of the V Additional Family Court, Chennai, and transfer the same to the file of the II Additional Sub Court, Coimbatore, to be tried along with H.M.O.P.No.169 of 2024.



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

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3.The petitioner married the respondent on 18.03.2013. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.169 of 2024 for divorce before the II Additional Sub Court, Coimbatore. The respondent/husband initiated proceedings in H.M.O.P.No.3099 of 2024 for restitution of conjugal rights before the V Additional Family Court, Chennai. Pleading that the wife is residing in Coimbatore and unable to travel from Coimbatore to Chennai, 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



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between Coimbatore and Chennai 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. Accordingly, H.M.O.P.No.3099 of 2024 is withdrawn from the file of the V Additional Family Court, Chennai, and transferred to the file of the II Additional Sub Court, Coimbatore. The learned II Additional Subordinate Judge at Coimbatore, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.169 of 2024, which is said to be pending on his file.

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

24.01.2025

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



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V.LAKSHMINARAYANAN, J.

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To

- 1.The V Additional Judge,
V Additional Family Court,
Chennai.
- 2.The II Additional Subordinate Judge,
II Additional Sub Court,
Coimbatore.

Tr.C.M.P.No.1293 of 2024

24.01.2025