



Tr.C.M.P.No.988 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.988 of 2024
and C.M.P.No.21627 of 2024

Sandhya Tharini

.. Petitioner

Vs.

V.Amarnath

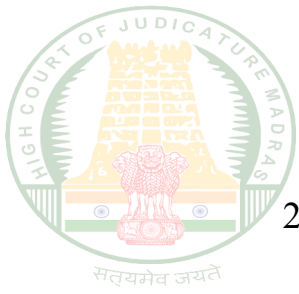
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw H.M.O.P.No.5662 of 2023 pending on the file of the VI Additional Family Court, Chennai and transfer the same to the Sub Court, Thiruvallur.

For Petitioner : Mr.L.Ram Kumar
For Respondent : Mr.R.Alvin Manoj Raj
for M/s.RRN Legal

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.5662 of 2023 from the file of the VI Additional Family Court, Chennai and transfer the same to the file of the Sub Court, Thiruvallur.



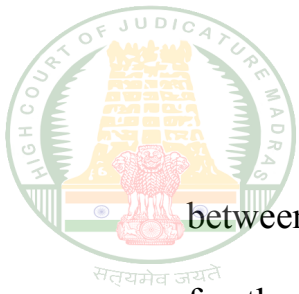
2.I heard both sides. I have gone through the affidavit.

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3.The petitioner married the respondent on 24.03.2021. 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.5662 of 2023 for divorce before the VI Additional Family Court, Chennai. Pleading that the wife is residing in Thiruvallur, and unable to travel from Thiruvallur to Chennai, she has moved this transfer petition.

4.Mr.R.Alvin Manoj Raj submits that the respondent / husband has no objection for the transfer of the proceedings from Chennai to Thiruvallur.

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



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between Thiruvallur and Chennai 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, H.M.O.P.No.5662 of 2023 is withdrawn from the file of the VI Additional Family Court, Chennai, and transferred to the file of the Sub Court, Thiruvallur.

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

31.01.2025

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

1. The VI Additional Judge,
VI Additional Family Court,
Chennai.

2. The Subordinate Judge,
Sub Court, Thiruvallur.



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V.LAKSHMINARAYANAN, J.

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