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Tr.C.M.P.No.1011 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.1011 of 2024

and

CMP.No.22153 of 2024

Manonmani	...	Petitioner
	Vs	
Arun	...	Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., withdraw the HMOP No.29 of 2024 from the file of the Sub Court, Harur and transfer the same to the Hon'ble Sub Court, Uthangarai.

For Petitioner	...	Mr.J.Pradeep
For Respondent	...	Mr.K.Selvarangan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.29 of 2024 from the file of the Sub Court, Harur and transfer the same to the file of Sub Court, Uthangarai.



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

3. The petitioner married the respondent on 04.06.2014. 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.29 of 2024 for divorce before the Sub Court, Harur. The petitioner/wife initiated proceedings in D.V.No.1 of 2024 before the Judicial Magistrate, Uthangarai, for maintenance. Pleading that the wife is residing in Uthangarai Taluk, Krishnagiri District and unable to travel from Uthangarai to Harur, 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 between Uthangarai and Harur is considerable and since it will



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

5. Accordingly, HMOP No.29 of 2024 is withdrawn from the file of the Sub Court, Harur and transferred to the file of the Sub Court, Uthangarai. The learned Sub Judge, Uthangarai, on transfer of the proceedings, shall re-number the same and proceeds further.

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

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1. Sub Court, Harur.

2. Sub Court, Uthangarai.



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V. LAKSHMINARAYANAN,J.

mrp

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