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Tr.C.M.P.No.975 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.975 of 2024

&

C.M.P.No.21373 of 2024

V.Bharathi

...

Petitioner

Vs

P.Balaji

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the HMOP No.2611 of 2024 on the file of Hon'ble IV Additional Family Court, Chennai to on the file of Hon'ble Subordinate Judge, Thiruvannamalai District, to conduct trial.

For Petitioner : Mr.R.Naresh Kumar

For Respondent : Ms.M.Jayanthi

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.2611 of 2024 on the file of the IV Additional Family Court, Chennai and transfer the same to the Subordinate Judge, Thiruvannamalai District.

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



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3. The petitioner married the respondent on 02.09.2019. 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.2611 of 2024 for divorce before the IV Additional Family Court, Chennai District. Pleading that the wife is residing in Thiruvannamalai and unable to travel from Thiruvannamalai 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 between Thiruvannamalai 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.



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WEB COPY 5. Accordingly, HMOP No.2611 of 2024 is withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the file of the Subordinate Judge, Thiruvannamalai District. The learned Sub Judge, Thiruvannamalai, 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. IV Additional Family Court, Chennai.

2. Subordinate Judge, Thiruvannamalai District.



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V. LAKSHMINARAYANAN,J.

mrp

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