



Tr.C.M.P.No.1002 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.1002 of 2024

&

C.M.P.No.21945 of 2024

Arivoli Nangai

...

Petitioner

Vs

Lashanth

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the O.S.No.27 of 2023 on the file of the learned Family Court, Pondicherry to the learned Family Court, Perambalur.

For Petitioner : Ms.Reena Iswariya
For Respondent : Mr.P.Suresh Philemon

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.S.No.27 of 2023 from the file of the Family Court, Pondicherry and transfer the same to the file of the Family Court, Perambalur.

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



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3. The petitioner married the respondent on 20.09.2019. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in M.O.P.No.621 of 2021 for restitution of conjugal rights before the Family Court, Pondicherry and the same was disposed on 24.05.2023. Subsequently, he initiated O.S.No.27 of 2023 for divorce before the Family Court, Pondicherry and the petitioner/wife initiated proceedings in M.C.No.9 of 2022 before the Family Court, Perambalur. Pleading that the wife is residing in Perambalur and unable to travel from Perambalur to Pondicherry, 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 Perambalur and Pondicherry 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 Accordingly, O.S.No.27 of 2023 is withdrawn from the file of the Family Court, Pondicherry and transferred to the file of the Family Court, Perambalur. The learned Judge, Family Court, Perambalur on transfer of the proceedings, shall re-number the same and proceed further. M.C.No.9 of 2022, being a maintenance petition, it shall be given priority and disposed of at an early date.

6. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

7. 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



Tr.C.M.P.No.1002 of 2024

1. The Family Court, Pondicherry.

2. The Family Court, Perambalur.

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V. LAKSHMINARAYANAN, J.

mrp

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