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Tr.C.M.P.No.1027 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.1027 of 2024

&

C.M.P.Nos.22465 & 22466 of 2024

D.Indhuja	...	Petitioner
	Vs	
V.Ajith Kumar	...	Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw HMOP No.121 of 2024 before the Hon'ble Subordinate Judge's Court, Tirupattur and transfer the same to the file of the Hon'ble Family Court at Pondicherry.

For Petitioner : Mr.E.V.Chandru @ E.Chandrasekaran
For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.121 of 2024 on the file of the Subordinate Court, Tirupattur and transfer the same to the Family Court at Pondicherry.

2. I heard the learned counsel for the petitioner. I have gone through the affidavit.



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3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him, either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 05.09.2022. Due to disputes and differences, the parties have separated. The petitioner/husband initiated proceedings in H.M.O.P.No. 121 of 2024 for divorce before the Subordinate Court, Tirupattur. Pleading that the wife is residing in Pondicherry and unable to travel from Puducherry to Tirupattur, she has moved this transfer petition.

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 between Puducherry and Tirupattur is considerable, I am inclined to accept the transfer.



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6. Accordingly, HMOP No.121 of 2024 is withdrawn from the file of the Subordinate Court, Tirupattur and transferred to the file of the Family Court at Pondicherry. The learned Judge, Family Court, Pondicherry, on transfer of the proceedings, shall re-number the same and proceed further.

7. 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.

8. With the above observations, the Transfer Petition is ordered. No costs. Consequently, the connected miscellaneous petitions are closed.

Index:Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation:Yes/No

mrp

To

1.The Subordinate Court, Tirupattur.

2.The Family Court, Pondicherry.



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V. LAKSHMINARAYANAN,J.

mrp

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