



WEB COPY



Tr.C.M.P.No.1091 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.1091 of 2024
& C.M.P.Nos.23984 & 23986 of 2024

M.Shalini

.. Petitioner

Vs

S.Suresh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to pass necessary order to withdraw the H.M.O.P.No.715 of 2023 on the file of Family Court, Tiruppur, Tiruppur District and transfer the same to the Family Court, Puducherry, for disposal.

For Petitioner : Ms.Y.S.Renukaa Sree

For Respondent : Mr.K.Nagarajan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.715 of 2023 from the file of the Family Court, Tiruppur, Tiruppur District and transfer the same to the file of the Family Court, Puducherry.

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

3. The petitioner married the respondent on 10.09.2017. From the



Tr.C.M.P.No.1091 of 2024

wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.715 of 2023 for divorce before the Family Court, Tiruppur, Tiruppur District. Pleading that the wife is residing in Puducherry and unable to travel from Puducherry to Tiruppur, 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. Since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.715 of 2023 is withdrawn from the file of the Family Court, Tiruppur, Tiruppur District and transferred to the file of the Family Court, Puducherry. The learned Judge, Family



Tr.C.M.P.No.1091 of 2024

Court, Puducherry, on receipt of the papers in H.M.O.P.No.715 of 2023, shall verify with the parties, if they are willing to settle the matter by mediation. If they express willingness, on transfer of the proceedings, the learned Judge shall refer the matter to mediation to enable the parties to settle matter through that process.

6. In the unfortunate event that mediation fails, 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, connected miscellaneous petitions are closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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V. LAKSHMINARAYANAN, J.



Tr.C.M.P.No.1091 of 2024

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WEB COPY **To**

- 1.The Family Court, Tiruppur, Tiruppur District
- 2.The Family Court, Puducherry

Tr.C.M.P.No.1091 of 2024
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