



Tr.C.M.P.No.1064 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.1064 of 2024
& C.M.P.No.23399 of 2024

Muthamizh Selvi

.. Petitioner

Vs

N.Senthil Kumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to pass an order to withdraw the H.M.O.P.No.535 of 2023 on the file of Hon'ble Family Court at Pondicherry and transfer the same to the Hon'ble Family Court at Cuddalore.

For Petitioner : Mr.K.P.P.Raja Raja Chozhan
For Respondent : No Appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.535 of 2023 on the file of Family Court at Pondicherry and transfer the same to the Family Court at Cuddalore.



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WEB COPY 2. I heard Mr.K.P.P.Raja Raja Chozhan for the petitioner/wife. I have gone through the affidavit.

3. The petitioner married the respondent on 27.06.2022. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.244 of 2023 for restitution of conjugal rights before the learned Family Court at Cuddalore and the respondent/husband filed H.M.O.P.No.535 of 2023 for divorce before the Family Court, Pondicherry. Pleading that the wife is residing in Cuddalore and unable to travel from Cuddalore 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.



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Hence, I am inclined to accept the transfer.

WEB COPY 5. Accordingly, H.M.O.P.No.535 of 2023 is withdrawn from the file of the learned Family Court, Pondicherry and transferred to the file of the learned Family Court, Cuddalore. The learned Family Court, Cuddalore on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.244 of 2023, which is said to be pending on his file.

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, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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V. LAKSHMINARAYANAN,J.

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To

- 1.The Family Court, Pondicherry.
- 2.The Family Court, Cuddalore.

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