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Tr.C.M.P.No.1015 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.1015 of 2024

&

C.M.P.No.22198 of 2024

R.Jansirani

...

Petitioner

Vs

J.Vinodhkumar

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the petition IDOP No.252 of 2024 pending on the file of the Principal Family Court at Chengalpattu and transfer the same to the Hon'ble IV Additional Family Court at Chennai to be tried along with O.P.No.3594 of 2024.

For Petitioner : Mr. P. Sidharthan

For Respondent : Mr. Juliet Rajkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of IDOP No.252 of 2024 from the file of the Principal Family Court at Chengalpattu and transfer the same to the file of the IV Additional Family Court at Chennai to be tried along with O.P.No.3594 of 2024.



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

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3. The petitioner married the respondent on 15.05.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in IDOP No.252 of 2024 for divorce before Family Court at Chengalpattu. The petitioner/wife initiated proceedings in O.P.No.3594 of 2024 for restitution of conjugal rights before the IV Additional Family Court at Chennai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Chengalpattu, 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 Chennai and Chengalpattu is considerable, I am inclined to accept the transfer.



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5. Accordingly, IDOP.No.252 of 2024 is withdrawn from the file of the Principal Family Court at Chengalpattu and transferred to the file of the IV Additional Family Court, Chennai. The learned IV Additional Judge, Family Court, Chennai, on transfer of the proceedings, shall re-number the same and try it along with O.P.No.3594 of 2024, 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, the connected miscellaneous petitions are closed.

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp



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V. LAKSHMINARAYANAN,J.

mrp

To

- 1.The Principal Family Court at Chengalpattu.
- 2.The IV Additional Family Court at Chennai.

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