



WEB COPY



Tr.C.M.P.No.1006 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.1006 of 2024

&

C.M.P.No.22067 of 2024

Latha	...	Petitioner
	Vs	
Manikandan	...	Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw HMOP No.287 of 2024 pending on the file of the Family Court, Karur as well as M.C.No.13 of 2024 pending of the file of the Judicial Magistrate Court, Pennagaram and transfer the same to the Family Court, Dharmapuri to be enquired and disposed of.

For Petitioner	: Mr.P.Mani
For Respondent	: Mr.K.Myilsamy

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.287 of 2024 pending on the file of the Family Court, Karur as well as M.C.No.13 of 2024 pending of the file of the Judicial Magistrate Court, Pennagaram and transfer the same to the Family Court, Dharmapuri.



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

3. The petitioner married the respondent on 27.10.2017. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The Respondent/husband initiated proceedings in HMOP No.133 of 2022 before the Sub Court, Kulithalai thereafter it was transferred to Family Court, Karur and renumbered as H.M.O.P.No.287 of 2024. The petitioner/wife initiated proceedings in M.C.No.13 of 2024 before the Judicial Magistrate Court, Pennagaram. Pleading that the wife is residing in Uttamalai Village, Pennagaram Taluk, Dharmapuri District and unable to travel from Dharmapuri to Karur, 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



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should be given a superior consideration than that of the husband. As the distance between Dharmapuri and Karur 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.

5. Accordingly, HMOP No.287 of 2024 is withdrawn from the file of the Family Court, Karur and M.C.No.13 of 2024 is withdrawn from the file of the Judicial Magistrate Court, Pennagaram and transferred to the file of the Family Court, Dharmapuri. The learned Judge, Family Court, Dharmapuri, on transfer of the proceedings, shall re-number the same and proceeds further.

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.



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V. LAKSHMINARAYANAN,J.

mrp

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

- 1.The Family Court, Karur.
- 2.The Judicial Magistrate Court, Pennagaram.
- 3.The Family Court, Dharmapuri.

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