



Tr.C.M.P.No.1028 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.1028 of 2024

and

CMP.No.22467 of 2024

Pavithra ... Petitioner

Vs

Hariprasath ... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the proceedings in O.P.No.174 of 2024 on the file of the Family Court, Krishnagiri and transfer the same to the file of the Sub-Court, Poonamallee at Thiruvallur District to be heard and dispose off on the normal course.

For Petitioner : Mr.R.Vijayakumar

For Respondent : Mr.Mukund R.Pandiyan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.174 of 2024 from the file of the Family Court, Krishnagiri and transfer the same to the file of the Sub-Court, Poonamallee at Thiruvallur District.



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

3.The petitioner married the respondent on 16.09.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.P.No.174 of 2024 for divorce before the Family Court at Krishnagiri. Pleading that the wife is residing in Poonamallee and unable to travel from Poonamallee to Krishnagiri, 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 Poonamallee and Krishnagiri is considerable, I am inclined to accept the transfer.



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WEB COPY 5. Accordingly, O.P.No.174 of 2024 is withdrawn from the file of the Family Court, Krishnagiri and transferred to the file of the Sub-Court, Poonamallee at Thiruvallur District.

6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Family Court, Krishnagiri.

2. The Sub-Court, Poonamallee at Thiruvallur District.



WEB COPY



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V. LAKSHMINARAYANAN,J.

mrp

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