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Tr.C.M.P.No.1046 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.1046 of 2024
& C.M.P.No.22713 of 2024

Yamuna

.. Petitioner

Vs

P.Sathish Kumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw O.P.No.3377 of 2024 pending on the file of III Additional Family Court at Chennai and transfer the same to Subordinate Court at Kovilpatti.

For Petitioner : Mr.H.Rajasekar

For Respondent : Mr.J.J.R.Edwin



Tr.C.M.P.No.1046 of 2024

ORDER

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

2.This transfer petition is at the instance of the wife. She seeks withdrawal of O.P.No.3377 of 2024 from the file of the learned III Additional Family Court, Chennai and transfer the same to the file of the learned Subordinate Court, Kovilpatti.

3.The petitioner married the respondent on 10.12.2021. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.P.No.3377 of 2024 for divorce before the learned III Additional Family Court, Chennai. Pleading that the wife is residing in Thoothukkudi District and unable to travel from Thoothukkudi to Chennai, 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



Tr.C.M.P.No.1046 of 2024

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 Thoothukkudi and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, O.P.No.3377 of 2024 is withdrawn from the file of the learned III Additional Family Court, Chennai and transferred to the file of the learned Subordinate Court, Kovilpatti, Thoothukkudi District.

6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. 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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Tr.C.M.P.No.1046 of 2024

V. LAKSHMINARAYANAN,J.

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To

- 1.The III Additional Family Court, Chennai.
- 2.The Subordinate Court, Kovilpatti.

Tr.C.M.P.No.1046 of 2024
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