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Tr.C.M.P.No.1044 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.1044 of 2024
& C.M.P.No.22687 of 2024

R.Swathi

.. Petitioner

Vs

R.VijayaKrupakaran

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.1118 of 2024 on the file of Family Court, Madurai and to transfer the same to the Learned Sub Court, Chengalpattu.

For Petitioner : Mr.G.Bala and Daisy

For Respective : Mr.S.Sabarish



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Tr.C.M.P.No.1044 of 2024

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1118 of 2024 from the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Chengalpattu.

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

3. The petitioner married the respondent on 02.07.2014. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.1118 of 2024 for divorce before the learned Family Court, Madurai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Madurai, 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



Tr.C.M.P.No.1044 of 2024

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 Madurai is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.1118 of 2024 is withdrawn from the file of the learned Family Court, Madurai and transferred to the file of the learned Sub Court, Chengalpattu.

6. 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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Tr.C.M.P.No.1044 of 2024

V. LAKSHMINARAYANAN,J.

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To

- 1.The Family Court, Madurai.
- 2.The Sub Court, Chengalpattu.

Tr.C.M.P.No.1044 of 2024
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