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Tr.C.M.P.No.1037 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.1037 of 2024

&

C.M.P.No.22598 of 2024

N.S.Swaruparani	...	Petitioner
	Vs	
K.Dinakar	...	Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer IDOP No.259 of 2024 on the file of the Principal District and Sessions Court at Thiruvallur to the Family Court at Chennai.

For Petitioner ... Mr.J.Saravana Vel

For Respondent ... No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of IDOP No.259 of 2024 from the file of the Principal District and Sessions Court at Thiruvallur and transfer the same to the file of the the Family Court at Chennai.



Tr.C.M.P.No.1037 of 2024

2. I heard Mr.J.Saravana Vel for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4.The petitioner married the respondent on 18.04.2022. Due to disputes and differences, the parties have separated. The petitioner/wife filed a complaint on 07.09.2022 under the Domestic Violence Act to the District Social Welfare Officer. After conducting enquiry, the Protection Officer filed Domestic Incident Report (DIR) before the Judicial Magistrate – I, Tambaram on 10.10.2022, which was taken on file in DVC No.56 of 2022 and the same is pending. The respondent/husband initiated proceedings in IDOP.No.259 of 2024 for divorce before the Principal District and Sessions Court at Thiruvallur. Pleading that the wife is residing in New Perungalathur, Chennai and unable to travel from New Perungalathur, Chennai to Thiruvallur, she has moved this transfer petition.



Tr.C.M.P.No.1037 of 2024

WEB COPY

5.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 New Perungalathur, Chennai and Thiruvallur is considerable, I am inclined to accept the transfer.

6.Accordingly, IDOP No.259 of 2024 is withdrawn from the file of the Principal District and Sessions Court at Thiruvallur and transferred to the file of the Family Court, Chennai. The learned Family Court Judge at Chennai, on transfer of the proceedings, shall re-number the same and proceed further.



Tr.C.M.P.No.1037 of 2024

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No costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

- 1.The Principal District and Sessions Court at Thiruvallur.
- 2.The Family Court at Chennai.



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V. LAKSHMINARAYANAN,J.

mrp

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