



Tr.C.M.P.No.1036 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.1036 of 2024

&

C.M.P.No.22583 of 2024

Srividhya

.. Petitioner

Vs

S. Ranganathan (alias) Ramesh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the H.M.O.P.No.13 of 2024 from the file of Principal Subordinate Court at Thanjavur to the Family Court at Tambaram, Chennai.

For Petitioner : Mr. N. Dharanath

For Respondent : Mr. B. Ramachandran

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.13 of 2024 from the file of the Principal Subordinate Court, Thanjavur and transfer the same to the file of the Family Court, Tambaram, Chennai.



Tr.C.M.P.No.1036 of 2024

WEB COPY

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

3. The petitioner married the respondent on 24.06.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No. 13 of 2024 for divorce before Principal Subordinate Court, Thanjavur. Pleading that the wife is residing in New Perungalathur, Vandalur and unable to travel from Vandalur to Thanjavur, 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 Vandalur and Thanjavur is considerable, I am inclined to accept the transfer.



Tr.C.M.P.No.1036 of 2024

5. Accordingly, HMOP No.13 of 2024 is withdrawn from the file of

the Principal Subordinate Court, Thanjavur and transferred to the file of the Subordinate Court, Tambaram. The learned Subordinate Judge, Tambaram, on transfer of the proceedings, shall re-number the same and proceed further.

6. With the above observations, the Transfer Petition is ordered.

No costs. Consequently, the connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1. The Principal Subordinate Court, Thanjavur.

2. The Subordinate Court, Tambaram.



WEB COPY



Tr.C.M.P.No.1036 of 2024

V. LAKSHMINARAYANAN,J.

mrp

Tr.C.M.P.No.1036 of 2024
&
C.M.P.No.22583 of 2024

24.01.2025