



Tr.C.M.P.No.1101 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.1101 of 2024
and C.M.P.No.24250 of 2024

Jothi

.. Petitioner

Vs

G.Ramasamy

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the HMOP.No.89 of 2023 on the file of Sub Court at Mettur and to transfer the same to the file of the Family Court Judge at Madurai.

For Petitioner : Mr.S.Vellidoss

For Respondent : Mr.M.Mariappan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.89 of 2023 from the file of the learned Subordinate Judge, Mettur, and transfer the same to the learned Judge, Family Court, Madurai.



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

3. The petitioner married the respondent on 17.03.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.89 of 2023 for divorce before the learned Subordinate Judge, Mettur. Pleading that now the wife is residing in Madurai and unable to travel from Madurai to Mettur, 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 Madurai and Mettur is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.



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WEB COPY 5. Accordingly, H.M.O.P.No.89 of 2023 is withdrawn from the file of the learned Subordinate Judge, Mettur and transferred to the file of the Judge, Family Court, Madurai.

6.The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

7. 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

rts

To

1.The Subordinate Judge, Mettur.

2.The Judge, Family Court, Madurai.



WEB COPY



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V. LAKSHMINARAYANAN, J.

rts

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