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Tr.C.M.P.No.1040 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.1040 of 2024

&

C.M.P.No.22666 of 2024

R.Ashwini

...

Petitioner

Vs

E.Saravanan

...

Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in HMOP No.46 of 2024 pending on the file of the Hon'ble Sub-Judge, Maduranthakam, Chengalpattu District and transfer the same to the file of the Hon'ble Sub-Judge, Tambaram, Chengalpattu District.

For Petitioner ... Mr.P.Arumugavel

For Respondent ... Mr.S.Deepan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP No.46 of 2024 from the file of the Sub-Judge, Maduranthakam, Chengalpattu District and transfer the same to the file of the Sub-Judge, Tambaram, Chengalpattu District.

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



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3. The petitioner married the respondent on 11.09.2016. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in HMOP No.46 of 2024 for restitution of conjugal rights before the Sub Court, Maduranthakam, Chengalpattu District. Pleading that the wife is residing in New Perungalathur, Chengalpattu District and unable to travel from New Perungalathur to Maduranthakam, 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 New Perungalathur and Maduranthakam is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.



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5. Accordingly, HMOP No.46 of 2024 is withdrawn from the file of the the Sub-Judge, Maduranthakam, Chengalpattu District and transferred to the file of the Sub Court, Tambaram, Chengalpattu District. The learned Sub 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.

Index: Yes/No

24.01.2025

Speaking order/Non-speaking order

Neutral Citation: Yes/No

mrp

To

1. The Sub-Judge, Maduranthakam, Chengalpattu District.

2. The Sub-Judge, Tambaram, Chengalpattu District.



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V. LAKSHMINARAYANAN,J.

mrp

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