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Tr.C.M.P.No.1062 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.1062 of 2024
& C.M.P.No.23392 of 2024

U.Revathy

.. Petitioner

Vs

K.Jeyaganesan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.2115 of 2023 which is pending before the II Additional Family Court, Chennai and transfer the same to the Submissions Court, Aruppukottai to tried along with H.M.O.P.No.1 of 2024 for disposal in accordance with law.

For Petitioner : Ms.G.Aarthi

For Respondent : Mr.M.Aravind Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.2115 of 2023 which is pending before the II Additional Family Court, Chennai and transfer the same to the



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Subordinate Court, Aruppukottai to tried along with H.M.O.P.No.1 of 2024 for disposal in accordance with law.

2. I heard Ms.G.Aarthi for the transfer petitioner. I have gone through the affidavit.

3.The petitioner married the respondent on 24.02.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.2115 of 2023 for divorce before the learned II Additional Family Court, Chennai and the petitioner/wife preferred H.M.O.P.No.1 of 2024 for restitution of conjugal rights before the learned Subordinate Court, Aruppukottai. Pleading that the wife is residing in Aruppukottai and unable to travel from Aruppukottai to Chennai, 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



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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 Aruppukottai and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.2115 of 2023 is withdrawn from the file of the learned II Additional Family Court, Chennai and transferred to the file of the learned Subordinate Court, Aruppukottai. The learned Subordinate Court, Aruppukottai, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.1 of 2024, which is said to be pending on his file.

7. 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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V. LAKSHMINARAYANAN,J.
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To

- 1.The II Additional Family Court, Chennai.
- 2.The Subordinate Court, Aruppukottai.

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