



Tr.C.M.P.No.1065 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1065 of 2024
and C.M.P.No.23405 of 2024

R.Saranya

.. Petitioner

Vs.

R.E.Vinothkumar

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the H.M.O.P.No.2409 of 2024 pending on the file of IV Additional Family Court, Chennai to the file of Sub Court, Gingee for disposal.

For Petitioner : Mr.M.Santhanaraman
For Respondent : A.S.Selnahraahj

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.2409 of 2024 from the file of the IV Additional Family Court, Chennai, and transfer the same to the file of the Sub Court, Gingee.

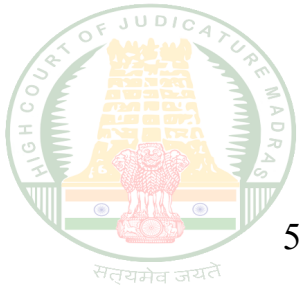
2.I heard both sides. I have gone through the affidavit.



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WEB COPY 3.The petitioner married the respondent on 06.02.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.2409 of 2024 to dissolve the marriage solemnized between the petitioner and the respondent on 06.02.2022 before the IV Additional Family Court, Chennai. Pleading that the wife is residing in Melmalaiyanoor and unable to travel from Melmalaiyanoor 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 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 Melmalaiyanoor and Chennai is considerable, I am inclined to accept the transfer.



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5. Accordingly, H.M.O.P.No.2409 of 2024 is withdrawn from the file of

the IV Additional Family Court, Chennai, and transferred to the file of the Sub Court, Gingee.

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

Consequently, connected miscellaneous petition is closed. No costs.

31.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The IV Additional Judge,
IV Additional Family Court,
Chennai.

2. The Subordinate Judge,
Sub Court, Gingee.

V.LAKSHMINARAYANAN, J.

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