



Tr.C.M.P.No.1122 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.1122 of 2024
and C.M.P.No.24674 of 2024

S.Sanjana

.. Petitioner

Vs

Suresh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw H.M.O.P.No.572 of 2024 from the Family Court, Karur and to transfer the same to the Sub Court, Dharapuram.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.S.Ramesh

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.572 of 2024 from the file of the Family Court at Karur and transfer the same to the learned Sub Court, Dharapuram.



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

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3. The petitioner married the respondent on 11.11.2021. From the wedlock, they were blessed with one male child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.572 of 2024 for divorce before the learned Family Court at Karur. Pleading that now the wife is residing in Dharapuram and unable to travel from Dharapuram to Karur, 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 Dharapuram and Karur 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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WEB COPY 5. Accordingly, H.M.O.P.No.572 of 2024 is withdrawn from the file of the Family Court at Karur and transferred to the file of the Subordinate Court at Dharapuram.

6. 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 Judge, Family Court, Karur.

2.The Subordinate Judge, Dharapuram.



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V. LAKSHMINARAYANAN, J.

rts

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