



WEB COPY



Tr.C.M.P.No.1075 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.1075 of 2024
& C.M.P.No.23715 of 2024

Suganya

.. Petitioner

Vs

M.Madhavan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer of H.M.O.P.No.36 of 2023 on the file of Hon'ble Family Court, Mannargudi and the same may be transferred to the Hon'ble Family Court, Chennai.

For Petitioner : Mr.K.Shyam Sunder
For Respondent : No Appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.36 of 2023 on the file of Family Court, Mannargudi and the same may be transferred to the Family Court, Chennai.



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WEB COPY 2. I heard M/s.K.Shyam Sunder for the petitioner/wife. I have gone through the affidavit.

3. The petitioner married the respondent on 01.02.2017. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.36 of 2023 for divorce before the learned Family Court, Mannargudi. Pleading that the wife has got a job in Chennai and now she has a permanent residence in chennai, she was unable to travel from Chennai to Mannargudi, and thereby, 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



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distance between Chennai and Mannargudi 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.

5. Accordingly, H.M.O.P.No.36 of 2023 is withdrawn from the file of the learned Family Court, Mannargudi and transferred to the file of the learned Family Court, Chennai.

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. 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 Family Court, Mannargudi.
- 2.The Family Court, Chennai.

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