



Tr.C.M.P.No.1100 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.1100 of 2024
and C.M.P.No.24246 of 2024

Maniyarasi

.. Petitioner

Vs

Murugan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer H.M.O.P.No.149 of 2024 pending on the file of the learned Sub Court, Chidambaram, Cuddalore District to learned Sub Court, Jayankondam, Ariyalur District.

For Petitioner : Mr.N.Sakthivel

For Respondent : Mr.B.Ramprabu

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.149 of 2024 from the file of the learned Subordinate Judge, Chidambaram, Cuddalore District, and transfer the same to the learned Subordinate Judge, Jayankondam, Ariyalur District.



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

3. The petitioner married the respondent on 06.02.2012. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.149 of 2024 for divorce before the learned Subordinate Judge, Chidambaram, Cuddalore District. Pleading that now the wife is residing in Ariyalur and unable to travel from Ariyalur to Chidambaram, 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 Chidambaram and Ariyalur is considerable and since it will be difficult for the wife to leave the children behind and travel to



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attend the Court, I am inclined to accept the transfer.

WEB COPY



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WEB COPY 5. Accordingly, H.M.O.P.No.149 of 2024 is withdrawn from the file of the learned Subordinate Judge, Chidambaram, Cuddalore District and transferred to the file of the Subordinate Judge, Jayankondam, Ariyalur District.

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 Subordinate Judge, Chidambaram, Cuddalore District.

2.The Subordinate Judge, Jayankondam, Ariyalur District.



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V. LAKSHMINARAYANAN, J.

rts

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