



Tr.C.M.P.No.1099 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

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CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**Tr.C.M.P.No.1099 of 2024**  
**& C.M.P.No.24237 of 2024**

Vaijayanthimala

.. Petitioner

Vs

S.Mohan

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to pass gracious order to withdraw and transfer the H.M.O.P.No.3427 of 2023 now pending before the 4<sup>th</sup> Additional Family Court, Chennai to Principal Family Court, Coimbatore.

For Petitioner : Mr.R.Ramprasad  
For Respondent : Mr.A.J.Mohammed Kassim

**ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.3427 of 2023 from the file of the 4th Additional Family Court, Chennai and transfer the same to the file of the



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Principal Family Court, Coimbatore.

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

3. The petitioner married the respondent on 14.02.2023. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in M.C.No.103 of 2023 before the Principal Family Court, Coimbatore and the respondent/husband preferred H.M.O.P.No.3427 of 2023 for divorce before the 4th Additional Family Court, Chennai. Pleading that the wife is residing in Coimbatore and unable to travel from Coimbatore 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



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distance between Coimbatore and Chennai is considerable, I am inclined to accept the transfer.

5. In view of the above and on account of the nature of allegation found in the petition, H.M.O.P.No.3427 of 2023 is withdrawn from the file of the 4th Additional Family Court, Chennai and transferred to the file of the Principal Family Court, Coimbatore. The learned Judge, on transfer of the proceedings, shall re-number the same and try it along with M.C.No.103 of 2023, which is said to be pending on his file. On receipt of the papers in H.M.O.P.No.3427 of 2023, the learned Judge, Principal Family Court, Coimbatore, shall verify with the parties, if they are willing to settle the matter by mediation. If they express willingness, on transfer of the proceedings, the learned Judge shall refer the matter to mediation to enable the parties to settle matter through that process.

6. In the unfortunate event that mediation fails, 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



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**V. LAKSHMINARAYANAN,J.**  
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when his presence is indispensable.

7. 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

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**To**

1.The IV Additional Family Court, Chennai.

2.The Principal Family Court, Coimbatore.

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