



Tr.C.M.P.No.1088 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.1088 of 2024
& C.M.P.No.23882 of 2024

R.Vasanthi

.. Petitioner

Vs

R.Sathish Babu

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the petition in H.M.O.P.No.1335 of 2024 pending on the file of the Principal Judge Family Court, Chennai to the file of the Subordinate Judge, Gudiyatham.

For Petitioner : Mr.S.Saravanakumar
For Respondent : No Appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1335 of 2024 from the file of the learned Principal Judge Family Court, Chennai and transfer the same to the file



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of the learned Subordinate Judge, Gudiyatham.

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2. I heard Mr.S.Saravanakumar for the transfer petitioner. I have gone through the affidavit.

3. Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4. The petitioner married the respondent on 13.02.2009. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.1868 of 2014 for divorce before the learned Principal Judge Family Court, Chennai. Thereafter, the petitioner/wife filed a transfer petition before this Court in Tr.C.M.P.No.44 of 2015 to withdraw H.M.O.P.No.1868 of 2014 and to transfer the same to the learned Subordinate Judge, Gudiyatham and the same was allowed. Pursuant to the said order, the learned Subordinate Judge, Gudiyatham re-numbered H.M.O.P.No.1868 of 2014 as H.M.O.P.No.8 of 2016. Since



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the respondent/husband did not prosecute the proceedings pending on the file of the learned Subordinate Judge, Gudiyatham, H.M.O.P.No.8 of 2016 was dismissed for default. Thereafter, the respondent/husband preferred a fresh petition in H.M.O.P.No.1335 of 2024 before the learned Principal Judge, Family Court, Chennai. Now, pleading that she is unable to travel from Gudiyatham to Chennai, she has moved this transfer petition.

5. 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. 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.

6. Accordingly, H.M.O.P.No.1335 of 2024 is withdrawn from the file of the learned Principal Judge Family Court, Chennai and transferred



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V. LAKSHMINARAYANAN,J.

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to the file of the learned Subordinate Judge, Gudiyatham.

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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To

1. The Principal Judge, Family Court, Chennai.

2. The Subordinate Judge, Gudiyatham.

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