



Tr.C.M.P.No.1069 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.1069 of 2024
& C.M.P.No.23630 of 2024

L.Iswaraya

.. Petitioner

Vs

S.Ramanathan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the original petition in H.M.O.P.No.189 of 2024, pending on the file of the Sub-Ordinate Judge at Devakottai and transfer the same to any one of the competent Family Court at Chennai.

For Petitioner : Mr.A.Vinupradha

For Respective : Mr.AR.M.Arunachalam

ORDER

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

2.This transfer petition is at the instance of the wife. She seeks



Tr.C.M.P.No.1069 of 2024

withdrawal of H.M.O.P.No.189 of 2024 from the file of the learned Sub-Ordinate Judge at Devakottai and transfer the same to the file of the competent Family Court at Chennai.

3.The petitioner married the respondent on 04.12.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.189 of 2024 for divorce before the learned Sub-Ordinate Judge at Devakottai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Devakottai, 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 Chennai and Devakottai is considerable, I am inclined to accept the transfer.



Tr.C.M.P.No.1069 of 2024

WEB COPY

5. Accordingly, H.M.O.P.No.189 of 2024 is withdrawn from the file of the learned Sub-Ordinate Judge at Devakottai and transferred to the file of the Principal Family Court at Chennai.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. 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

anu



WEB COPY



Tr.C.M.P.No.1069 of 2024

V. LAKSHMINARAYANAN,J.

anu

To

- 1.The Sub-Ordinate Judge, Devakottai.
- 2.The Principal Family Court, Chennai.

Tr.C.M.P.No.1069 of 2024
& C.M.P.No.23630 of 2024

24.01.2025