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Tr.C.M.P.No.1215 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.1215 of 2024

J.Deepa @ Lakshmi

.. Petitioner

Vs.

R.Jayakumar

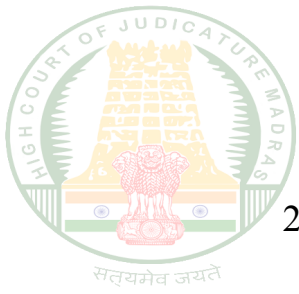
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw F.C.O.P.No.228 of 2024 pending before Family Court, Chengalpattu and to transfer the same to Principal Family Court, Chennai.

For Petitioner	:	Mr.S.Illamvaludhi
For Respondent	:	Mr.Shanmugavelan for M/s.J.R.K.Bhavanantham & K.Boopalan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of F.C.O.P.No.228 of 2024 from the file of the Family Court, Chengalpattu and transfer the same to the file of the Principal Family Court, Chennai.



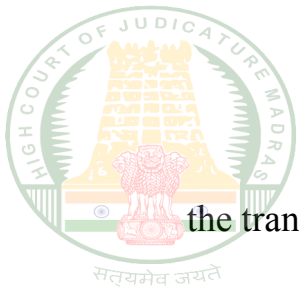
2.I heard both sides. I have gone through the affidavit.

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3.The petitioner married the respondent on 04.11.2016. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in F.C.O.P.No.228 of 2024 for divorce before the Family Court, Chengalpattu. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Chengalpattu, she has moved this transfer petition.

4.Mr.Shanmugavelan submits that the husband has no objection for the transfer of the proceedings from Chengalpattu to Chennai.

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. As the distance between Chennai and Chengalpattu is considerable, I am inclined to accept



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the transfer.

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6. Accordingly, F.C.O.P.No.228 of 2024 is withdrawn from the file of the Family Court, Chengalpattu, and transferred to the file of the Principal Family Court, Chennai.

7. 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.

8. With the above observations, the Transfer Petition is ordered. No costs.

24.01.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.



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To

- 1.The Judge,
Family Court,
Chengalpattu.
- 2.The Principal Judge,
Principal Family Court,
Chennai.

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24.01.2025