



Tr.C.M.P.No.1113 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.1113 of 2024
and C.M.P.No.24466 of 2024

S.Kavya

.. Petitioner

Vs

V.Vignesh

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.65 of 2024 from the Court of Subordinate Judge, Hosur and to transfer the same to the Family Court, Chennai.

For Petitioner : Mr.S.Karthikei Balan

For Respondent : Mr.N.Aswin Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.65 of 2024 from the file of the learned Subordinate Judge, Hosur, and transfer the same to the learned Family Judge, Chennai.

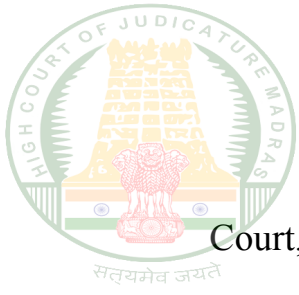


Tr.C.M.P.No.1113 of 2024

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

3. The petitioner married the respondent on 04.06.2017. From the wedlock, they were blessed with two female children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.65 of 2024 for restitution of conjugal rights before the learned Subordinate Judge, Hosur. Pleading that now the wife is residing in Chennai and unable to travel from Chennai to Hosur, 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 Hosur is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the



Tr.C.M.P.No.1113 of 2024

Court, I am inclined to accept the transfer.

WEB COPY



Tr.C.M.P.No.1113 of 2024

WEB COPY 5. Accordingly, H.M.O.P.No.65 of 2024 is withdrawn from the file of the learned Subordinate Judge, Hosur and transferred to the file of the Family Court at Chennai.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

rts

To

1.The Subordinate Judge, Hosur.

2.The Judge, Family Court, Chennai.



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Tr.C.M.P.No.1113 of 2024

V. LAKSHMINARAYANAN, J.

rts

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