



Tr.C.M.P.No.1083 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.1083 of 2024
& C.M.P.No.23842 of 2024

R.Kavipriya

.. Petitioner

Vs

G.Gouthamraj

.. 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.157 of 2024 pending on the file of the Principal Sub Court, Kallakurichi to Sub Court, Poonamallee and try along with H.M.O.P.No.464 of 2024 pending on the file of the Sub Court, Poonamallee.

For Petitioner : Mr.B.Govindaprabhu

For Respective : Mrs.R.Preethikaa

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.157 of 2024 from the file of the Principal Sub



Tr.C.M.P.No.1083 of 2024

Court, Kallakurichi and transfer the same to the file of the Sub Court, Poonamallee and to be tried along with H.M.O.P.No.464 of 2024.

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

3.The petitioner married the respondent on 31.08.2022. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in H.M.O.P.No.464 of 2024 for divorce before the Sub Court, Poonamallee. The respondent/husband filed H.M.O.P.No.157 of 2024 for restitution of conjugal rights before the Principal Sub Court, Kallakurichi. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Kallakurichi, 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



Tr.C.M.P.No.1083 of 2024

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

5. Accordingly, H.M.O.P.No.157 of 2024 is withdrawn from the file of the Principal Sub Court, Kallakurichi and transferred to the file of the Sub Court, Poonamallee. The Sub Court, Poonamallee, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.464 of 2024, which is said to be pending on its file.

6. 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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Tr.C.M.P.No.1083 of 2024

V. LAKSHMINARAYANAN,J.

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To

- 1.The Principal Sub Court, Kallakurichi.
- 2.The Sub Court, Poonamallee.

Tr.C.M.P.No.1083 of 2024
& C.M.P.No.23842 of 2024

24.01.2025