



Tr.C.M.P.No.1077 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.1077 of 2024
& C.M.P.No.23782 of 2024

R.Shanmugapriya

.. Petitioner

Vs

B.Jayaram

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the suit in H.M.O.P.No.654 of 2024, pending on the file of the Subordinate Judge at Alandur, Kancheepuram to the file of Subordinate Court at Nagapattinam competent to try and dispose of the same.

For Petitioner : Mr.G.V.Balamurugan

For Respondent : Mr.K.S.Guruprasad

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.654 of 2024 which is pending before the



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Subordinate Judge at Alandur, Kancheepuram and transfer the same to the Subordinate Court at Nagapattinam.

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

3.The petitioner married the respondent on 24.05.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.654 of 2024 for divorce before the learned Subordinate Judge at Alandur, Kancheepuram and the petitioner/wife preferred H.M.O.P.No.79 of 2024 for restitution of conjugal rights before the learned Sub-ordinate Judge, Nagapattinam. Pleading that the wife is residing in Nagapattinam and unable to travel from Nagapattinam to Kancheepuram, 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



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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 Nagapattinam and Kancheepuram is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.654 of 2024 is withdrawn from the file of the learned Subordinate Judge at Alandur, Kancheepuram and transferred to the file of the learned Sub-ordinate Judge, Nagapattinam. The learned Sub-ordinate Judge, Nagapattinam, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.79 of 2024, which is said to be pending on his 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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V. LAKSHMINARAYANAN,J.
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To

- 1.The Subordinate Judge at Alandur, Kancheepuram
- 2.The Subordinate Court at Nagapattinam

Tr.C.M.P.No.1062 of 2024
& C.M.P.No.23392 of 2024

24.01.2025