



Tr CMP.No.1104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP.No.1104 of 2024 &
CMP.No.24320 of 2024

S.Mounika Sri : Petitioner

versus

S.Varun : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the divorce petition in HMOP.No.132 of 2024 which is pending before the Subordinate Court in Udumalpet to the Subordinate Court at Coimbatore.

For Petitioner : Ms.S.Akila

For Respondent : Ms.R.Meenakshi

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.132 of 2024 from the file of the Sub Court at Udumalpet and transfer the same to the file of the Sub Court in Coimbatore.



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

3. The petitioner married the respondent on 09.09.2022. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in DVA.No.17 of 2024 before the learned Judicial Magistrate, Madukkarai. The respondent/husband initiated proceedings in H.M.O.P.No.132 of 2024 for divorce before the learned Subordinate Judge at Udumalpet. Pleading that she is residing in Coimbatore and unable to travel from Coimbatore to Udumalpet, the wife 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



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between Coimbatore and Udumalpet is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.132 of 2024 is withdrawn from the file of the Sub Court at Udumalpet and is transferred to the file of the Sub Court at Coimbatore.

6. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

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Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No

To

1. The Subordinate Judge, Sub Court, Udumalpet

2. The Subordinate Judge, Sub Court, Coimbatore



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V.LAKSHMINARAYANAN, J.
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