



WEB COPY



Tr.C.M.P.No.1089 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.1089 of 2024
& C.M.P.No.23914 of 2024

Sathiya Priya

.. Petitioner

Vs

M.Tamizharasan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the proceedings pending in H.M.O.P.No.179 of 2024, on the file of the Subordinate Court at Thiruvottiyur, Thiruvallur District and transfer the same to the file of the Subordinate Court at Neyveli, Cuddalore District.

For Petitioner : Mr.R.Chakkaravarthy

For Respondent : Mr.T.Raghavan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.179 of 2024 from the file of the Subordinate Court at Thiruvottiyur, Thiruvallur District and transfer the same to the



Tr.C.M.P.No.1089 of 2024

file of the Subordinate Court at Neyveli, Cuddalore District.

WEB COPY

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

3. The petitioner married the respondent on 01.02.2013. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.179 of 2024 for divorce before the Subordinate Court at Thiruvottiyur, Thiruvallur District. Pleading that the wife is residing in Cuddalore and unable to travel from Cuddalore to Thiruvottiyur, 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. Since it will be difficult for the wife to leave the child behind and travel to



Tr.C.M.P.No.1089 of 2024

attend the Court, I am inclined to accept the transfer.

WEB COPY

5. Accordingly, H.M.O.P.No.179 of 2024 is withdrawn from the file of the Subordinate Court at Thiruvottiyur, Thiruvallur District and transferred to the file of the Subordinate Court at Neyveli, Cuddalore District.

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

anu

To

1. The Subordinate Court, Thiruvottiyur, Thiruvallur District.

2. The Subordinate Court, Neyveli, Cuddalore District.

V. LAKSHMINARAYANAN, J.



WEB COPY



Tr.C.M.P.No.1089 of 2024

anu

Tr.C.M.P.No.1089 of 2024
& C.M.P.No.23914 of 2024

24.01.2025