



Tr.C.M.P.No.1114 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.1114 of 2024
and C.M.P.No.24484 of 2024

R.Baby

.. Petitioner

Vs

B.Gowtham

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the F.C.O.P.No.205 of 2023 pending before the Family Court, Namakkal and transfer the same to the Sub Court, Avinashi or any other Court of competent jurisdiction by appreciating the above said facts and circumstances of the case.

For Petitioner : Mr.J.Ranjithkumar

For Respondent : Mr.D.Sivakumaran

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of F.C.O.P.No.205 of 2023 from the file of the Family Court at Namakkal and transfer the same to the Sub Court at Avinashi.

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



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WEB COPY 3.The petitioner married the respondent on 07.09.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in F.C.O.P.No.205 of 2023 for divorce before the learned Family Court, Namakkal. Pleading that the wife is residing in Avnisashi, Tiruppur, and unable to travel from Avnisashi to Namakkal, 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 Avnisashi and Namakkal, is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.

5.Accordingly, F.C.O.P.No.205 of 2023 is withdrawn from the file of the learned Family Judge at Namakkal and transferred to the file of the



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learned Subordinate Judge at Avinashi. In exercise of Section 24(2) of Code of Civil Procedure, the learned Subordinate Judge, Avinashi, shall continue the proceedings from the stage from which it was transferred from the file of the Family Court at Namakkal, to make it clear as the matter is in the stage of evidence, the Court shall continue from that stage.

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
rts

To
1. The Family Judge at Namakkal
2. The Subordinate Judge at Avinashi.



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V. LAKSHMINARAYANAN, J.

rts

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