



Tr.C.M.P.No.1076 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.1076 of 2024
& C.M.P.No.23762 of 2024

V.Aarthy

.. Petitioner

Vs

S.P.Gudiappa

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.3175 of 2024 on the file of the First Additional Family Court, Chennai, transfer the same to the file of the Family Court at Salem.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.Ramkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.3175 of 2024 on the file of the First Additional Family Court, Chennai and transfer the same to the file of the Family Court, Salem.



Tr.C.M.P.No.1076 of 2024

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

3. The petitioner married the respondent on 10.11.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.3175 of 2024 for divorce before the First Additional Family Court, Chennai. Pleading that the wife is residing in Salem and unable to travel from Salem to Chennai, 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 Salem and Chennai is considerable, I am inclined to accept the transfer.



Tr.C.M.P.No.1076 of 2024

5. Accordingly, H.M.O.P.No.3175 of 2024 is withdrawn from the file of the First Additional Family Court, Chennai and transferred to the file of the Family Court, Salem.

6. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

7. 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



WEB COPY

To



Tr.C.M.P.No.1076 of 2024

V. LAKSHMINARAYANAN,J.
anu

- 1.The First Additional Family Court, Chennai.
- 2.The Family Court, Salem.

Tr.C.M.P.No.1076 of 2024
& C.M.P.No.23762 of 2024

24.01.2025