



Tr.C.M.P.No.1117 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.1117 of 2024  
and C.M.P.No.24598 of 2024

M.Umadevi

.. Petitioner

Vs

V.Kathiravan

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to order withdrawal of H.M.O.P.No.26 of 2024 on the file of the learned Principal Sub Judge, Salem and transfer the same to Sub – Court Gobichettipalayam.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.S.Sathish

### **ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.26 of 2024 from the file of the Principal Sub Court at Salem and transfer the same to the Sub Court at



Gobichettipalayam.

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

3.The petitioner married the respondent on 01.06.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.26 of 2024 for divorce before the learned Principal Subordinate Judge, Salem. Pleading that the wife is residing in Gobichettipalayam and unable to travel from Gobichettipalayam to Salem, 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 Gobichettipalayam is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined



to accept the transfer.

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5. Accordingly, H.M.O.P.No.26 of 2024 is withdrawn from the file

of the learned Principal Subordinate Judge at Salem and transferred to the file of the learned Subordinate Judge at Gobichettipalayam.

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



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**V. LAKSHMINARAYANAN, J.**

rts

To

- 1.The Principal Subordinate Judge at Salem
- 2.The Subordinate Judge at Gobichettipalayam.

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