



WEB COPY



Tr.C.M.P.No.1095 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.1095 of 2024
& C.M.P.No.24065 of 2024

K.Gayathri

.. Petitioner

Vs

S.Gokulakrishnan

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.170 of 2024 pending on the file of the Hon'be Judge of the Family Court at Tiruvanamalai and transfer the same to the Hon'ble Principal Family Court at Chennai.

For Petitioner : Ms.S.Indumathi Ravi
For Respondent : Mr.K.S.Navin Balaji

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.170 of 2024 from the file of the Family Court at Tiruvanamalai and transfer the same to the file of the Principal Family Court at Chennai.

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

3. The petitioner married the respondent on 03.09.2023. Due to



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disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.170 of 2024 for divorce before the Family Court at Tiruvannamalai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Tiruvannamalai, 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 Chennai and Tiruvannamalai is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.170 of 2024 is withdrawn from the file of the Family Court at Tiruvannamalai and transferred to the file of the Principal Family Court at Chennai. The learned Judge, Principal Family Court at Chennai, on receipt of the papers in H.M.O.P.No.170 of 2024,



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shall verify with the parties, if they are willing to settle the matter by mediation. If they express willingness, on transfer of the proceedings, the learned Judge shall refer the matter to mediation to enable the parties to settle matter through that process.

6. In the unfortunate event that mediation fails, 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
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V. LAKSHMINARAYANAN, J.



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WEB COPY **To**

- 1.The Family Court, Tiruvanamalai.
- 2.The Principal Family Court, Chennai.

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