



Tr.C.M.P.No.1153 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.1153 of 2024
and C.M.P.No.25204 of 2024

G.Akila

.. Petitioner

Vs

C.Gnanasekaran

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the HMOP No.572 of 2023 from the file of the Family Court, Salem and transfer the same to the learned Family Court, Coimbatore.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.S.Saran Prasad

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.572 of 2023 from the file of the Family Court at Salem and transfer the same to the Family Court at Coimbatore.

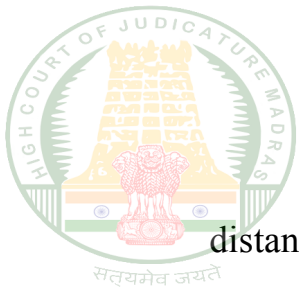


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WEB COPY 2. I heard both sides. I have gone through the affidavit.

3. The petitioner married the respondent on 13.03.2009. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.572 of 2023 for divorce before the learned Family Court at Salem. The petitioner/wife initiated proceedings in H.M.O.P.No.1385 of 2024 for restitution of conjugal rights before the Family Court at Coimbatore. Pleading that the wife is residing in Coimbatore and unable to travel from Coimbatore 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



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distance between Coimbatore and Salem is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer. Further it is essential to try both the cases together.

5. Accordingly, H.M.O.P.No.572 of 2023 is withdrawn from the file of the learned Family Judge at Salem and transferred to the file of the learned Family Judge at Coimbatore.

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



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Neutral Citation :Yes/No

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V. LAKSHMINARAYANAN, J.

rts

To

- 1.The Family Judge at Salem.
- 2.The Family Judge at Coimbatore.

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