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Tr.C.M.P.No.1098 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.1098 of 2024
& C.M.P.No.24171 of 2024

R.Radhiya

.. Petitioner

Vs

S.Sarankumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.141 of 2023 before the Sub Court Pappireddipatti at Dharmapuri District and to transfer the same to the Sub Court, Omalur at Salem District.

For Petitioner : Mr.C.Prabakaran
For Respondent : Mr.J.Prateep

ORDER

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

2.This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.141 of 2023 from the file of the Sub Court Pappireddipatti at Dharmapuri District and transfer the same to the file of



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the Sub Court, Omalur at Salem District.

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3.The petitioner married the respondent on 01.12.2019. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.141 of 2023 for divorce before the Sub Court Pappireddipatti at Dharmapuri District. Pleading that the wife is residing in Omalur and unable to travel from Omalur to Pappireddipatti, Dharmapuri District, 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 Omalur and Pappireddipatti, Dharmapuri District is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.141 of 2023 is withdrawn from the



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file of the Sub Court Pappireddipatti at Dharmapuri District and
transferred to the file of the Sub Court, Omalur at Salem District.

6. The Transfer Civil Miscellaneous Petition is ordered on the
above terms. 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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To

1.The Sub Court, Pappireddipatti, Dharmapuri District.

2.The Sub Court, Omalur, Salem District.

V. LAKSHMINARAYANAN,J.



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