



Tr.C.M.P.No.1127 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.1127 of 2024
and C.M.P.No.24737 of 2024

Gayathiri

.. Petitioner

Vs

Vinoth

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.25 of 2024 which is pending on the file of the Sub Court, Tambaram transfer the same to the Family Court, Tanjavur.

For Petitioner : Mr.J.Titus Enock

For Respondent : Mr.S.Balasubramanian

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.25 of 2024 from the file of the Subordinate Court, Tambaram and transfer the same to the Family Court at Tanjavur.



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

3. The petitioner married the respondent on 19.05.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.25 of 2024 for divorce before the learned Subordinate Judge at Tambaram. Pleading that the wife is residing in Thanjavur and unable to travel from Thanjavur to Tambaram, 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 Thanjavur and Tambaram 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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WEB COPY 5. Accordingly, H.M.O.P.No.25 of 2024 is withdrawn from the file of the learned Subordinate Judge at Tambaram and transferred to the file of the learned Family Judge at Tanjavur.

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

rts

To
1. The Subordinate Judge at Tambaram.
2. The Family Judge at Tanjavur.



WEB COPY



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V. LAKSHMINARAYANAN, J.

rts

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