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Tr.C.M.P.No.1094 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.1094 of 2024
& C.M.P.No.24012 of 2024

K.Deepa

.. Petitioner

Vs

L.Gowtham

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the H.M.O.P.No.1583 of 2024 on the file of Principal Family Judge, Coimbatore and transfer the same to the file of Subordinate Judge at Hosur.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.C.Deepak Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1583 of 2024 from the file of the learned Principal Family Judge, Coimbatore and transfer the same to the file of the learned Subordinate Judge at Hosur.

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



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3. The petitioner married the respondent on 28.01.2018. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.1583 of 2024 for divorce before the learned Principal Family Judge, Coimbatore. Pleading that the wife is employed in Hosur and unable to travel from Hosur to Coimbatore, 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. Since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.1583 of 2024 is withdrawn from the



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file of the learned Principal Family Judge, Coimbatore and transferred to
the file of the learned Subordinate Judge at Hosur.

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

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To

1. The Principal Family Judge, Coimbatore.

2. The Subordinate Judge, Hosur.

V. LAKSHMINARAYANAN, J.



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