



Tr.C.M.P.No.1119 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.1119 of 2024
and C.M.P.No.24654 of 2024

Bhavithirayani

.. Petitioner

Vs

Gowthaman

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the case in H.M.O.P.No.77 of 2024 from the file of the Sub Court, Musiri to the Sub Court, Paramathy or any other competent court in Namakkal district and to try the same.

For Petitioner : Mr.G.Anbuchezeiyan

For Respondent : Mr.C.Iyyappa Raj

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.77 of 2024 from the file of the Sub Court at Musiri and transfer the same to the Sub Court at Paramathy.



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

3.The petitioner married the respondent on 09.06.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.77 of 2024 for divorce before the learned Subordinate Judge, Musiri. The petitioner/wife also filed a maintenance case as against the respondent in M.C.No.9 of 2024 before the learned Judicial Magistrate, Paramathy. Pleading that the wife is residing in Paramathy and unable to travel from Paramathy to Musiri, 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 Paramathy and Musiri is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to



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accept the transfer.

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5. Accordingly, H.M.O.P.No.77 of 2024 is withdrawn from the file of the learned Subordinate Judge at Musiri and transferred to the file of the learned Subordinate Judge at Paramathy.

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

rts



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V. LAKSHMINARAYANAN, J.

rts

To

- 1.The Subordinate Judge at Musiri.
- 2.The Subordinate Judge at Paramathy.

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