



Tr.C.M.P.No.1131 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.1131 of 2024
and C.M.P.No.24805 of 2024

Jameera Bhanu

.. Petitioner

Vs

Mohamed Uvise

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the O.S.No.1 of 2024 on the file of Family Court at Namakkal and to transfer it to Family Court at Perambalur to meet the ends of justice.

For Petitioner : Mr.Reena Mohansundaram

For Respondent : Mr.M.Jothi Rama Lingam

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of O.S.No.1 of 2024 from the file of the Family Court at Namakkal and transfer the same to the Family Court at Perambalur.



Tr.C.M.P.No.1131 of 2024

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

WEB COPY

3. The petitioner married the respondent on 16.04.2017. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in O.S.No.1 of 2024 for declaration that the alleged Talaq pronounced by him is legal before the Family Court at Namakkal. Pleading that the wife is residing in Perambalur and unable to travel from Perambalur to Namakkal, 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 Perambalur and Namakkal is considerable and 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.



Tr.C.M.P.No.1131 of 2024

WEB COPY 5. Accordingly, O.S.No.1 of 2024 is withdrawn from the file of the learned Family Judge at Namakkal and transferred to the file of the learned Family Judge at Perambalur.

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



WEB COPY



Tr.C.M.P.No.1131 of 2024

V. LAKSHMINARAYANAN, J.

rts

To

- 1.The Family Judge at Namakkal.
- 2.The Family Judge at Perambalur.

Tr.C.M.P.No.1131 of 2024
and C.M.P.No.24805 of 2024

24.01.2025