



Tr.C.M.P.No.1147 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.1147 of 2024  
and C.M.P.No.25111 of 2024

C.Chitra

.. Petitioner

Vs

S.K.Suresh

.. Respondent

**Prayer:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case pending on the file of the Sub Court at Ambattur in H.M.O.P.No.725 of 2023 and transfer the same to the file of the Sub Court at Sankari or any other appropriate Court.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.T.Mathi

### **ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.725 of 2023 from the file of the Sub Court at Ambattur and transfer the same to the Sub Court at Sankari.



Tr.C.M.P.No.1147 of 2024

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

WEB COPY

3. The petitioner married the respondent on 11.02.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.725 of 2023 for divorce before the learned Subordinate Judge, Ambattur. Pleading that the wife is residing in Sankari and unable to travel from Sankari to Ambattur, 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 Sankari and Ambattur is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer. Further it is essential to try both the cases together.



WEB COPY



*Tr.C.M.P.No.1147 of 2024*



Tr.C.M.P.No.1147 of 2024

WEB COM

5. Accordingly, H.M.O.P.No.725 of 2023 is withdrawn from the file of the learned Subordinate Judge at Ambattur and transferred to the file of the learned Subordinate Judge at Sankari.

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



WEB COPY



Tr.C.M.P.No.1147 of 2024

**V. LAKSHMINARAYANAN, J.**

rts

To

- 1.The Subordinate Judge at Ambattur.
- 2.The Subordinate Judge at Sankari.

Tr.C.M.P.No.1147 of 2024  
and C.M.P.No.25111 of 2024

24.01.2025