



Tr.C.M.P.No.1214 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.1214 of 2024
and C.M.P.No.26521 of 2024

Selvi

.. Petitioner

Vs.

Chakravarthy

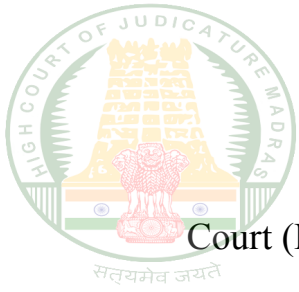
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer DVC.No.5 of 2021 on the file of the District Munsif Court at Pennagaram to Additional Mahila Court (Magistrate Level) at Dharmapuri.

For Petitioner : Mr.M.Jaisingh
For Respondent : Mrs.Rita Chandrasekar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of D.V.C.No.5 of 2021 from the file of the District Munsif Court at Pennagaram and transfer the same to the file of the Additional Mahila



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Court (Magistrate Level) at Dharmapuri.

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

3.The petitioner married the respondent on 19.01.2018. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in D.V.C.No.5 of 2021 before the District Munsif Court at Pennagaram. Pleading that the wife is residing in Dharmapuri and unable to travel from Dharmapuri to Pennagaram, 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 Dharmapuri and Pennagaram is considerable and since it will be



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difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

5.Accordingly, D.V.C.No.5 of 2021 is withdrawn from the file of the District Munsif Court at Pennagaram, and transferred to the file of the Additional Mahila Court (Magistrate Level) at Dharmapuri.

6.With the above observations, the Transfer Petition is ordered. Consequently, connected miscellaneous petition is closed. No costs.

24.01.2025

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The District Munsif,
District Munsif Court,
Pennagaram.
- 2.The Additional Mahila Judge,

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Additional Mahila Court (Magistrate Level),
Dharmapuri.

WEB COPY

V.LAKSHMINARAYANAN, J.

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24.01.2025