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Tr.C.M.P.No.1158 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.1158 of 2024
and C.M.P.No.25254 of 2024

S.Valliammai alias Sneha

.. Petitioner

Vs

T.Deepan Chakravarthi

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw and transfer the petition in H.M.O.P.No.77 of 2024 on the file of the Family Court, Pudukkottai to the file of the Family Court, Chennai.

For Petitioner : Mr.D.Gopinathan

For Respondent : Mr.D.Ravindran

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 Family Court, Pudukkottai and transfer the same to the Family Court, Chennai.



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

3. The petitioner married the respondent on 15.11.2021. 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 Family Court, Pudukottai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Pudukottai, 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 Chennai and Pudukottai is considerable and since it will be difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.



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WEB COPY 5. Accordingly, H.M.O.P.No.77 of 2024 is withdrawn from the file of the Family Court, Pudukottai, and transferred to the file of the learned Family Judge at Chennai.

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

To

1. The Family Judge at Pudukottai.
2. The Family Judge at Chennai.



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V. LAKSHMINARAYANAN, J.

rts

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