



Tr.C.M.P.No.1190 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.1190 of 2024
and C.M.P.No.25963 of 2024

J.Pavithra

.. Petitioner

Vs.

K.S.Arun

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw H.M.O.P.No.224 of 2024 on the file of the Family Court, Krishnagiri and transfer the same to the file of Sub Court, Madurantagam, having competent jurisdiction.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.S.Vinoth Kumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.224 of 2024 from the file of the Family Court,



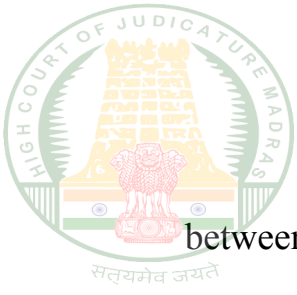
Tr.C.M.P.No.1190 of 2024

Krishnagiri and transfer the same to the file of the Sub Court, Madurantagam.

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

3.The petitioner married the respondent on 10.04.2017. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.224 of 2024 for restitution of conjugal rights before the Family Court, Krishnagiri. Pleading that the wife is residing in Acharapakkam, and unable to travel from Acharapakkam to Krishnagiri, 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



Tr.C.M.P.No.1190 of 2024

between Acharapakkam and Krishnagiri 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.

5. Accordingly, H.M.O.P.No.224 of 2024 is withdrawn from the file of the Family Court, Krishnagiri, and transferred to the file of the Sub Court, Madurantagam.

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 Judge,
Family Court, Krishnagiri.

2. The Subordinate Judge,

3 / 4



Sub Court,
Madurantagam.

WEB COPY



Tr.C.M.P.No.1190 of 2024

V.LAKSHMINARAYANAN, J.

krk

Tr.C.M.P.No.1190 of 2024

24.01.2025