



Tr.C.M.P.Nos.1231 & 1246 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.Nos.1231 & 1246 of 2024
and C.M.P.Nos.26805 & 27070 of 2024

Amsaveni

.. Petitioner
(in both cases)

Vs.

N.Saravanan

.. Respondent
(in both cases)

Prayer in Tr.C.M.P.No.1231 of 2024: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the H.M.O.P.No.436 of 2022 pending before the Family Court at Salem and transfer the case to the Family Court at Coimbatore.

Prayer in Tr.C.M.P.No.1246 of 2024: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the H.M.O.P.No.580 of 2024 pending before the Family Court at Salem and transfer the case to the Family Court at Coimbatore.

(In both cases):



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For Petitioner : Mr.R.Alvin Manoj Raj

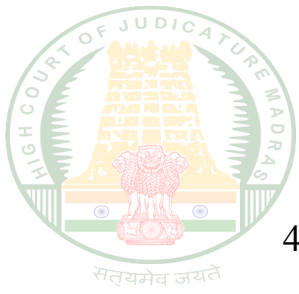
For Respondent : Mr.R.Chakkaravarthy

COMMON ORDER

Both the cases at the instance of the wife. She seeks withdrawal of H.M.O.P.Nos.436 of 2022 & 580 of 2024 from the file of the Family Court, Salem and transfer the same to the file of the Family Court, Coimbatore.

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

3.The petitioner married the respondent on 29.08.2014. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The petitioner / wife initiated proceedings in H.M.O.P.No.436 of 2022 for divorce before the Family Court, Salem. The respondent / husband initiated proceedings in H.M.O.P.No.580 of 2024 for restitution of conjugal rights before the Family Court, Salem. Pleading that the wife is residing in Coimbatore and unable to travel from Coimbatore to Salem, she has moved this transfer petition.



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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 Coimbatore and Salem 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.Nos.436 of 2022 & 580 of 2024 are withdrawn from the file of the Family Court, Salem, and transferred to the file of the Family Court, Coimbatore. The learned Judge, Family Court at Coimbatore, on transfer of the proceedings, shall re-number the same and try both the proceedings together.

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



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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, both the Transfer Petitions are ordered.

Consequently, connected miscellaneous petitions are closed. No costs.

24.01.2025

krk

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

To

1. The Judge,
Family Court, Salem.

2. The Judge,
Family Court, Coimbatore.

V.LAKSHMINARAYANAN, J.

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