



Tr.C.M.P.No.1170 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.1170 of 2024
and C.M.P.No.25632 of 2024

R.Sarini

.. Petitioner

Vs.

T.Naveen Kumar

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the case in H.M.OP.No.138 of 2024 from the file of the Sub Court, Lalgudi, Trichy District and to transfer the same to the file of the Sub Court, Tambaram, Chengalpet District.

For Petitioner : Ms.T.R.Thara
For Respondent : Ms.D.Kalaiselvi

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.138 of 2024 from the file of the Sub Court, Lalgudi and transfer the same to the file of the Sub Court, Tambaram.



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

3.The petitioner married the respondent on 20.08.2023. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.138 of 2024 for divorce before the Sub Court, Lalgudi. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Lalgudi, 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 Lalgudi is considerable, I am inclined to accept the transfer.



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WEB COPY 5. Accordingly, H.M.O.P.No.138 of 2024 is withdrawn from the file of the Sub Court, Lalgudi, and transferred to the file of the Sub Court, Tambaram.

6. With the above observations, the Transfer Petition is 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 Subordinate Judge,
Sub Court, Lalgudi, Trichy

2. The Subordinate Judge,
Sub Court, Tambaram.



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V.LAKSHMINARAYANAN, J.

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