



Tr.C.M.P.No.1175 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.1175 of 2024
and C.M.P.No.25718 of 2024

M.Monica

.. Petitioner

Vs.

S.R.Vinothraj

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw in all further proceedings and to transfer the H.M.O.P.No.27 of 2024 filed by the respondent herein for divorce which are pending before the II Subordinate Judge at Tiruppathur to Family Court at Chennai till the disposal of the above Tr.C.M.P.

For Petitioner : Mr.Dinesh Bose

For Respondent : Mr.S.Mageshkumar



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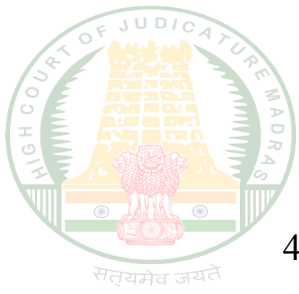
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ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.27 of 2024 from the file of the Sub Court, Tiruppathur and transfer the same to the file of the Family Court, Chennai.

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

3.The petitioner married the respondent on 24.02.2021. Due to disputes and differences, the parties have separated. The petitioner/wife initiated proceedings in M.C.NO.555 of 2022 for maintenance before the Additional Family Court at Chennai. The respondent/husband initiated proceedings in H.M.O.P.No.27 of 2024 for dissolution of the marriage solemnized between the petitioner and the respondent on 24.02.2021 before the Sub Court, Thiruppathur. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Thiruppathur, 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 Chennai and Thiruppathur is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.27 of 2024 is withdrawn from the file of the Sub Court, Thiruppathur, and transferred to the file of the Additional Family Court, Chennai. The learned Additional Judge, Family Court at Chennai, on transfer of the proceedings, shall re-number the same and try it along with M.C.No.555 of 2022, which is said to be pending on his file.

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, the Transfer Petition is ordered.

Consequently, connected miscellaneous petition is closed. No costs.

24.01.2025

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

To

1.The Subordinate Judge,
Sub Court, Thiruppathur.

2.The Additional Judge,
Additonal Family Court,
Chennai.



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V.LAKSHMINARAYANAN, J.

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