



WEB COPY



Tr.C.M.P.No.1162 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.1162 of 2024
and C.M.P.No.25382 of 2024

Srimathi

.. Petitioner

Vs

R.Venugopal

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.240 of 2024 before the Sub Court, Pollachi and the same may be transferred to the Family Court, Dharmapuri.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.M.N.Balakrishnan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.240 of 2024 from the file of the Sub Court, Pollachi and transfer the same to the Family Court, Dharmapuri.



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

3. The petitioner married the respondent on 01.06.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.240 of 2024 for divorce before the learned Subordinate Judge at Pollachi. Pleading that the wife is residing in Dharmapuri and unable to travel from Dharmapuri to Pollachi, 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 Dharmapuri and Pollachi 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 Accordingly, H.M.O.P.No.240 of 2024 is withdrawn from the file of the learned Subordinate Judge at Pollachi and transferred to the file of the learned Family Judge at Dharmapuri.

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 Subordinate Judge at Pollachi
2. The Family Judge at Dharmapuri.



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V. LAKSHMINARAYANAN, J.

rts

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