



Tr.C.M.P.No.1166 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.1166 of 2024

and

C.M.P.No.25458 of 2024

M.Madhumathi

.. Petitioner

**Vs.**

K.SeshaRadhaKrishnan

.. 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.311 of 2024 from the file of the Family Court, Dindigul, and to transfer the same to the Family Court, Salem.

For Petitioner : Mr.P.Jagadeesan

For Respondent : Mr.C.Venkatesh Kumar  
for M/s.Ajmal Associates



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## **ORDER**

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This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.311 of 2024 from the file of the Family Court, Dindigul and transfer the same to the file of the Family Court, Salem.

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

3.The petitioner married the respondent on 31.08.2020. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.311 of 2024 for divorce before the Family Court at Dindigul. Pleading that the wife is residing in Salem and unable to travel from Salem to Dindigul, 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



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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 Dindigul and Salem is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.311 of 2024 is withdrawn from the file of the Family Court, Dindigul and transferred to the file of the Family Court at Salem.

6. The learned Judge, Family Court, Salem, is requested to enquire with the parties if they are willing to settle the matter by mediation. In case the parties are willing for mediation, the learned Judge shall refer the parties to the Mediation Centre attached to Family Court, Salem. In the unfortunate event, if the mediation fails, 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.



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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 Judge,  
Family Court,  
Dindigul.

2. The Judge,  
Family Court,  
Salem.



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**V.LAKSHMINARAYANAN, J.**

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24.01.2025