



Tr.C.M.P.No.1178 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.1178 of 2024
and C.M.P.No.25826 of 2024

Revathi

.. Petitioner

Vs.

Selvakumar

.. Respondent

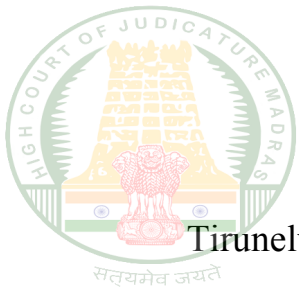
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the H.M.O.P.No.284 of 2024 on file of the learned Family Court, Tirunelveli and transfer the same to the file of learned Subordinate Court, Dharapuram.

For Petitioner : Mr.J.Jayan

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.284 of 2024 from the file of the Family Court,



Tr.C.M.P.No.1178 of 2024

Tirunelveli and transfer the same to the file of the Sub Court, Dharapuram.

WEB COPY 2.I heard Mr.J.Jayan and I have gone through the affidavit.

3.Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him, either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4.The petitioner married the respondent on 27.05.2018. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.284 of 2024 for restitution of conjugal rights before the Family Court, Tirunelveli. Pleading that the wife is residing in Dharapuram and unable to travel from Dharapuram to Tirunelveli, she has moved this transfer petition.

5.The Parliament, while amending the Hindu Marriage Act, has incorporated Section 19(iii), permitting a wife to initiate a proceeding in a



Tr.C.M.P.No.1178 of 2024

WEB CON

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 Dharapuram and Tirunelveli 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.

6. Accordingly, H.M.O.P.No.284 of 2024 is withdrawn from the file of the Family Court, Tirunelveli, and transferred to the file of the Sub Court, Dharapuram.

7. With the above observations, the Transfer Petition is ordered. Consequently, connected miscellaneous petition is closed. No costs.

24.01.2025

krk
Index : Yes / No



Tr.C.M.P.No.1178 of 2024

Internet : Yes / No

Neutral Citation : Yes / No

WEB COPY

V.LAKSHMINARAYANAN, J.

krk

To

1.The Judge,
Family Court, Tirunelveli.

2.The Subordinate Judge,
Sub Court, Dharapuram.

Tr.C.M.P.No.1178 of 2024

24.01.2025