



Tr.C.M.P.No.1194 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.1194 of 2024

and

C.M.P.No.25987 of 2024

U.Sandhiya

.. Petitioner

Vs.

T.Premkumar

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the above H.M.O.P.No.106 of 2024, from the file of the learned Principal Sub Court, Palani Camp at Kodaikanal and transfer the same to the learned IV Additional Family Court at Chennai.

For Petitioner : Ms.K.S.Begum

For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.106 of 2024 from the file of the Principal Sub Court, Palani Camp at Kodaikanal and transfer the same to the file of the IV



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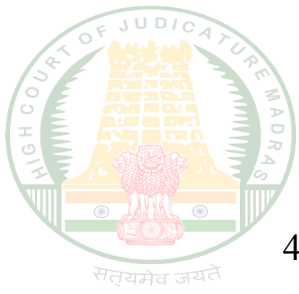
Additional Family Court at Chennai.

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2.I heard Ms.K.S.Begum 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 11.07.2021. 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.106 of 2024 for divorce before the Principal Sub Court, Palani Camp at Kodaikanal. The petitioner/wife initiated proceedings in M.C.No.465 of 2024 for monthly maintenance before the Family Court at Chennai. Pleading that the wife is residing in Chennai and unable to travel from Chennai to Kodaikanal, 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 Kodaikanal 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.

5.Accordingly, H.M.O.P.No.106 of 2024 is withdrawn from the file of the Principal Sub Court, Palani Camp at Kodaikanal, and transferred to the file of the IV Additional Family Court at Chennai. The learned IV Additional Judge, Family Court at Chennai, on transfer of the proceedings, shall re-number the same and try it along with M.C.No.465 of 2024, which is said to be pending on his file.

6.The Family Court need not insist upon the appearance of the husband



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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. 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 Principal Subordinate Judge,
Principal Sub Court,
Palani Camp at Kodaikanal.

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

V.LAKSHMINARAYANAN, J.



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