



Tr.C.M.P.No.1200 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.1200 of 2024
and C.M.P.Nos.26116 & 26663 of 2024

M.Vinitha

.. Petitioner

Vs.

Ananthraj

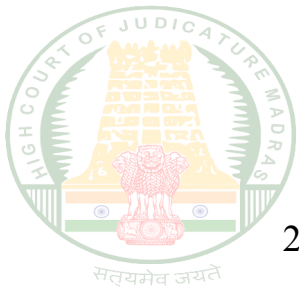
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdrawal of H.M.O.P.No.112 of 2023 pending on the file of Principal Sub Court, Villupuram and transfer the same to the Sub Court, Thiruvannamalai.

For Petitioner : Mr.T.Shanmugam
For Respondent : Ms.A.Rajeswari

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.112 of 2023 from the file of the Principal Sub Court, Villupuram and transfer the same to the file of the Sub Court, Thiruvannamalai.



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

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3.The petitioner married the respondent on 05.12.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.112 of 2023 seeking to dissolve the marriage solemnized between the petitioner and the respondent, before the Principal Sub Court, Villupuram. Pleading that the wife is residing in Thiruvannamalai and unable to travel from Thiruvannamalai to Villupuram, 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 Thiruvannamalai and Villupuram is considerable, I am inclined to accept the transfer.



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WEB COPY 5. Accordingly, H.M.O.P.No.112 of 2023 is withdrawn from the file of the Principal Sub Court, Villupuram, and transferred to the file of the Sub Court, Thiruvannamalai.

6. With the above observations, the Transfer Petition is ordered. Consequently, connected miscellaneous petitions are 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, Villupuram.
2. The Subordinate Judge,
Sub Court, Thiruvannamalai.

V.LAKSHMINARAYANAN, J.

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