



Tr.C.M.P.No.1176 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.1176 of 2024
and C.M.P.No.25720 of 2024

Anitha

.. Petitioner

Vs.

Karthikeyan

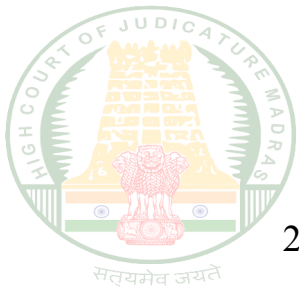
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the case proceedings in H.M.O.P.No.34 of 2024 on the file of the learned Sub Court at Tittakudi and transfer the same to the learned Sub court at Ambattur, Thiruvallur.

For Petitioner : Mr.T.Elumalai
For Respondent : Mr.Kannan.K

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.34 of 2024 from the file of the Sub Court, Tittakudi and transfer the same to the file of the Sub Court, Ambattur.



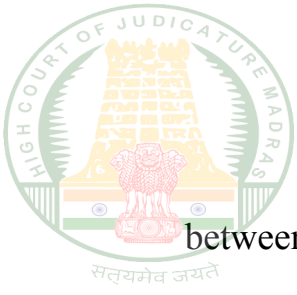
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2.I heard both sides. I have gone through the affidavit.

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3.The petitioner married the respondent on 12.03.2014. 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.34 of 2024 for divorce before the Sub Court, Tittakudi. The petitioner / wife initiated proceedings in H.M.O.P.No.469 of 2024 for restitution of conjugal rights before the Sub Court, Ambattur. Pleading that the wife is residing in Thirumullaivayil and unable to travel from Thirumullaivayil to Tittakudi, 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



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between Thirumullaivayil and Tittakudi 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.34 of 2024 is withdrawn from the file of the Sub Court, Tittakudi, and transferred to the file of the Sub Court, Ambattur, Thiruvallur District. The learned Subordinate Judge at Ambattur, on transfer of the proceedings, shall re-number the same and try it along with H.M.O.P.No.469 of 2024, which is said to be pending on his file.

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

24.01.2025

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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V.LAKSHMINARAYANAN, J.

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To

1.The Subordinate Judge,
Sub Court,
Tittakudi.

2.The Subordinate Judge,
Sub Court, Ambattur.

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24.01.2025