



Tr.C.M.P.No.1272 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.1272 of 2024
and C.M.P.No.27535 of 2024

R.Chandini

.. Petitioner

Vs.

B.Sai Senthil Karthik

.. 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.242 of 2024 on the file of the Sub Court at Tambaram and transfer the same to the file of Sub Court, Ambattur.

For Petitioner : Mr.M.Thirumalai

For Respondent : Ms.J.Sudeksha

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.242 of 2024 from the file of the Sub Court, Tambaram and transfer the same to the file of the Sub Court, Ambattur.



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

3.The petitioner married the respondent on 12.12.2018. 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.242 of 2024 for restitution of conjugal rights before the Sub Court, Tambaram. The petitioner / wife initiated proceedings in H.M.O.P.No.199 of 2024 to dissolve the marriage solemnized between the petitioner and the respondent on 12.12.2018, before the Sub Court, Ambattur. Pleading that the wife is residing in Korattur and unable to travel from Korattur to Tambaram, 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



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given a superior consideration than that of the husband. As the distance between Korattur and Tambaram 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 Accordingly, H.M.O.P.No.242 of 2024 is withdrawn from the file of the Sub Court, Tambaram, and transferred to the file of the Sub Court, Ambattur. 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.199 of 2024, which is said to be pending on his file.

6. The learned Subordinate Judge at Ambattur, is requested to enquire with the parties as to whether they are willing for the mediation. In case the parties are willing for mediation, the learned Subordinate Judge at Ambattur shall refer the parties to the Mediation Centre attached to High Court of Madras, Chennai – 600 104.

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



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

To

- 1.The Subordinate Judge,
Sub Court, Tambaram.
- 2.The Subordinate Judge,
Sub Court, Ambattur.

V.LAKSHMINARAYANAN, J.

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