



Tr.C.M.P.No.1213 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.1213 of 2024
and C.M.P.No.26472 of 2024

M.Umamaheswari

.. Petitioner

Vs.

V.M.Suresh

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the case of H.M.O.P.No.285 of 2024 pending on the file of the Principal Family Court at Chennai and transfer the same to the Family Court at Vellore.

For Petitioner : Mr.M.Rakhi

For Respondent : Mr.J.Ramkumar

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.285 of 2024 from the file of the Principal Family Court, Chennai and transfer the same to the file of the Family Court, Vellore.

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



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WEB COPY 3. The petitioner married the respondent on 26.02.2016. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.285 of 2024 to dissolve the marriage performed between the petitioner and the respondent on 26.02.2016 before the Principal Family Court, Chennai. Pleading that the wife is residing in Vellore and unable to travel from Vellore to Chennai, 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 Vellore and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.285 of 2024 is withdrawn from the file of the Principal Family Court, Chennai, and transferred to the file of the Family



Court, Vellore.

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

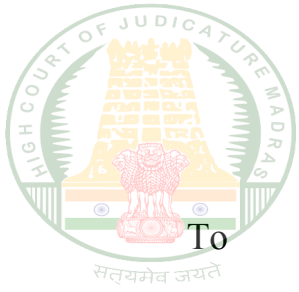
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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

V.LAKSHMINARAYANAN, J.

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To
1.The Principal Judge,
Principal Family Court,
Chennai.

2.The Judge,
Family Court,
Vellore.

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