



Tr.C.M.P.No.1184 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.1184 of 2024  
and C.M.P.No.25906 of 2024

V.Saranya

.. Petitioner

**Vs.**

D.Harishvar

.. Respondent

**Prayer:** This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the divorce petition filed by the respondent in H.M.O.P.No.324 of 2024 before the Family Court, Chengalpet and transfer it to the Subordinate Court, Hosur.

For Petitioner : Mr.T.Sezhian

For Respondent : Mr.N.Elayaraja

**ORDER**

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.324 of 2024, from the file of the Family Court, Chengalpet, and transfer the same to the file of the Sub Court, Hosur.



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

3.The petitioner married the respondent on 28.03.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.324 of 2024 for divorce before the Family Court at Chengalpet. Pleading that the wife is residing in Jalahalli, Bengaluru and unable to travel from Bengaluru to Chengalpet, 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 Bengaluru and Chengalpet is considerable and since it will be



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difficult for the wife to travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.324 of 2024 is withdrawn from the file of the Family Court, Chengalpet, and transferred to the file of the Sub Court, Hosur.

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

To

1. The Judge,  
Family Court, Chengalpet.

2. The Subordinate Judge,  
Hosur.



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**V.LAKSHMINARAYANAN, J.**

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