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Tr.C.M.P.No.1197 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.1197 of 2024
and C.M.P.No.26046 of 2024

M.Suganthi

.. Petitioner

Vs.

E.Murugan

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the H.M.O.P.No.133 of 2021 on the file of the Sub Court, Ranipet to the file of the Sub Court, Tirupattur, Tirupattur District.

For Petitioner : Mr.PA.Sudesh Kumar
For Respondent : No appearance

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.133 of 2021 from the file of the Sub Court, Ranipet, and transfer the same to the file of the Sub Court, Tirupattur, Tirupattur District.

2.I heard Mr.PA.Sudesh Kumar for the petitioner and I have gone



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through the affidavit.

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3.Though notice has been served on the respondent and his name is printed in the cause list, there is no representation for him, either in person or through counsel. Since the service has been completed, I took up the transfer petition for disposal.

4.The petitioner married the respondent on 12.06.2003. From the wedlock, they were blessed with two children. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.133 of 2021 for divorce before the Sub Court at Ranipet. Pleading that the wife is residing in Tirupattur and unable to travel from Tirupattur to Ranipet, she has moved this transfer petition.

5.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



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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 Tirupattur and Ranipet is considerable and since it will be difficult for the wife to leave the children behind and travel to attend the Court, I am inclined to accept the transfer.

6. Accordingly, H.M.O.P.No.133 of 2021 is withdrawn from the file of the Sub Court, Ranipet, and transferred to the file of the Sub Court, Tirupattur.

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

24.01.2025

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

V.LAKSHMINARAYANAN, J.

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To
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- 1.The Subordinate Judge,
Sub Court,
Ranipet.
- 2.The Subordinate Judge,
Sub Court,
Tirupattur.

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24.01.2025