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Tr.C.M.P.No.1195 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.1195 of 2024
and C.M.P.No.26006 of 2024

Aruna M.

.. Petitioner

Vs.

Balaji Venkatesh A.M.

.. 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.4001 of 2024 on the file of Learned Principal Family Court, Chennai and to order a transfer of the same to the Learned Family Court, Trichy for trial and disposal.

For Petitioner : Mr.Prasanna D
for P.V.S.Giridhar Associates

For Respondent : Mr.P.Munuswamy

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.4001 of 2024 from the file of the learned



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Principal Family Court, Chennai and transfer the same to the file of the learned Family Court, Trichy.

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

3.The petitioner married the respondent on 03.02.2023. From the wedlock, they were blessed with a female child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.4001 of 2024 for divorce before the Family Court at Chennai. Pleading that the wife is residing in Trichy and unable to travel from Trichy to Chennai, she has moved this transfer petition.

4.Mr.P.Munuswamy submits that the husband has no objection to transfer the H.M.O.P. from Chennai to Trichy.

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



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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 Trichy and Chennai 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 Accordingly, H.M.O.P.No.4001 of 2024 is withdrawn from the file of the learned Principal Family Court, Chennai and transferred to the file of the learned Family Court at Trichy.

7. 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.



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8.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

To

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

2.The Judge,
Family Court,
Trichy.



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V.LAKSHMINARAYANAN, J.

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