



Tr.C.M.P.No.1220 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.1220 of 2024
and C.M.P.No.26657 of 2024

N.Thavapriya

.. Petitioner

Vs.

R.R.Magesh Kanna

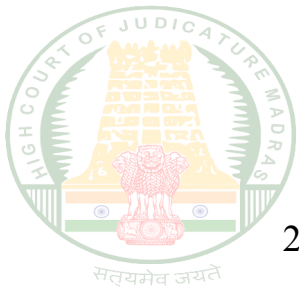
.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw H.M.O.P.No.952 of 2024 pending on the file of the VII Additional Family Court, Chennai and transfer the same to the Sub Court at Kanchipuram.

For Petitioner : Mr.J.Joseph Sundar
For Respondent : Ms.V.Sasirekha

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.952 of 2024 from the file of the VII Additional Family Court, Chennai, and transfer the same to the file of the Sub Court, Kanchipuram.



Tr.C.M.P.No.1220 of 2024

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

WEB COPY

3.The petitioner married the respondent on 24.10.2019. 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.952 of 2024 for divorce before the VII Additional Family Court, Chennai. Pleading that the wife is residing in Kanchipuram and unable to travel from Kanchipuram 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 Kanchipuram and Chennai 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.



Tr.C.M.P.No.1220 of 2024

WEB COPY 5. Accordingly, H.M.O.P.No.952 of 2024 is withdrawn from the file of the VII Additional Family Court, Chennai, and transferred to the file of the Sub Court, Kanchipuram.

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 VII Additional Judge,
VII Additional Family Court,
Chennai.

2. The Subordinate Judge,
Sub Court, Kanchipuram.

V.LAKSHMINARAYANAN, J.

krk



WEB COPY



Tr.C.M.P.No.1220 of 2024

Tr.C.M.P.No.1220 of 2024

24.01.2025