



Tr.C.M.P.No.1232 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.1232 of 2024
and C.M.P.No.26806 of 2024

K.Sangeetha

.. Petitioner

Vs.

S.Naveen Kumar

.. Respondent

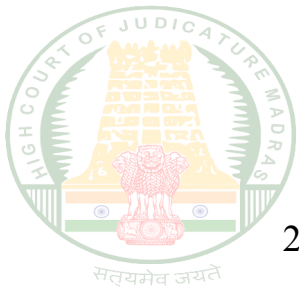
Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw and transfer the H.M.O.P.No.140 of 2024 from the file of the Subordinate Court, Ranipet to Subordinate Court, Tambaram.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.S.Kasirajan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.140 of 2024 from the file of the Sub Court, Ranipet and transfer the same to the file of the Sub Court, Tambaram.



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

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3.The petitioner married the respondent on 19.02.2016. 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.140 of 2024 for divorce before the Sub Court, Ranipet. Pleading that the wife is residing in Tambaram and unable to travel from Tambaram to Ranipet, 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 Tambaram 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.



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WEB COPY 5. Accordingly, H.M.O.P.No.140 of 2024 is withdrawn from the file of the Sub Court, Ranipet, and transferred to the file of the Sub Court, Tambaram.

6. 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 Subordinate Judge,
Sub Court, Ranipet.

2. The Subordinate Judge,
Sub Court, Tambaram.

V.LAKSHMINARAYANAN, J.



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