



Tr.C.M.P.No.1222 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.1222 of 2024
and C.M.P.No.26725 of 2024

J.V.Kanimozhi

.. Petitioner

Vs.

R.Pandian

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, praying to withdraw the petition in H.M.O.P.No.50 of 2021 from the file of the learned Family Court, Thiruvannamalai and to transfer the same to the file of the Learned Sub Judge, Palacode.

For Petitioner : Mr.R.Selvakumar
For Respondent : Mr.R.Mohan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.50 of 2021 from the file of the Family Court, Thiruvannamalai, and transfer the same to the file of the Sub Court, Palacode.

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



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WEB COPY 3.The petitioner married the respondent on 04.09.2016. 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.50 of 2021 for divorce before the Family Court, Thiruvannamalai. Pleading that the wife is residing in Palacode, Dharmapuri District and unable to travel from Palacode to Thiruvannamalai, 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 Palacode and Thiruvannamalai 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.



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WEB COPY 5. Accordingly, H.M.O.P.No.50 of 2021 is withdrawn from the file of the Family Court, Thiruvannamalai, and transferred to the file of the Sub Court, Palacode.

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 Judge,
Family Court,
Thiruvannamalai

2. The Subordinate Judge,
Sub Court, Palacode.

V.LAKSHMINARAYANAN, J.

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