



Tr.C.M.P.No.1261 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.1261 of 2024
and C.M.P.No.27405 of 2024

Kaviya

.. Petitioner

Vs.

Kirubakaran

.. 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.77 of 2024 from the learned Subordinate Court, Sirkazhi, Mayiladuthurai District and to transfer the same to the learned Family Court Judge, Cuddalore District.

For Petitioner : Mr.G.Pugazhenth
For Respondent : Mr.V.Athikesavan

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.77 of 2024 from the file of the Sub Court, Sirkazhi and transfer the same to the file of the Family Court, Cuddalore.

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

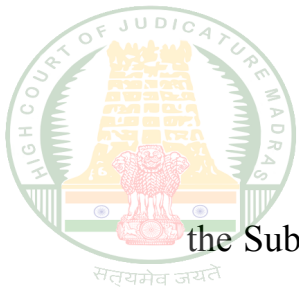


Tr.C.M.P.No.1261 of 2024

WEB COPY 3.The petitioner married the respondent on 30.10.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.77 of 2024 for restitution of conjugal rights before the Sub Court, Sirkazhi. Pleading that the wife is residing in Cuddalore and unable to travel from Cuddalore to Sirkazhi, 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 Cuddalore and Sirkazhi is considerable, I am inclined to accept the transfer.

5.Accordingly, H.M.O.P.No.77 of 2024 is withdrawn from the file of



Tr.C.M.P.No.1261 of 2024

the Sub Court, Sirkazhi, Mayiladuthurai District, and transferred to the file of
the Family Court, Cuddalore.

6.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.

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

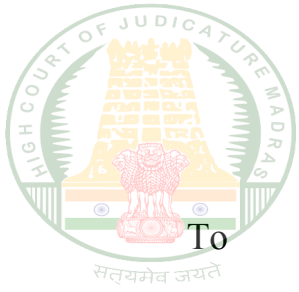
24.01.2025

krk

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

V.LAKSHMINARAYANAN, J.

krk



Tr.C.M.P.No.1261 of 2024

WEB COPY

To
1.The Subordinate Judge,
Sub Court, Sirkazhi,
Mayiladuthurai District.

2.The Judge,
Family Court,
Cuddalore.

Tr.C.M.P.No.1261 of 2024

24.01.2025