



Tr.C.M.P.No.1167 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.1167 of 2023
& C.M.P.No.27908 of 2023

Abirami

.. Petitioner

Vs

K.Sathish @ Maheswaran

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the C.P.C., to withdraw the case in H.M.O.P.No.1849 of 2023 pending on the file of the learned VI Additional Principal Judge, Family Court at Chennai and transfer the same to the file of the learned Subordinate Judge at Cheyyar, Tiruvannamalai District.

For Petitioner : Mr.Padmanabhan
for Mr.G.Jagatharaj

For Respondent : Mr.R.Arunkumar



Tr.C.M.P.No.1167 of 2023

WEB COPY

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.1849 of 2023 from the file of the learned VI Additional Principal Judge, Family Court, Chennai and transfer the same to the file of the learned Subordinate Judge at Cheyyar, Tiruvannamalai District.

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

3.The petitioner married the respondent on 07.02.2020. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.1849 of 2023 for divorce before the learned VI Additional Principal Judge, Family Court, Chennai. Pleading that the wife is residing in Tiruvannamalai and unable to travel from Tiruvannamalai 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



Tr.C.M.P.No.1167 of 2023

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 Tiruvannamalai and Chennai is considerable, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.1849 of 2023 is withdrawn from the file of the learned VI Additional Principal Judge, Family Court at Chennai and transferred to the file of the learned Subordinate Judge at Cheyyar, Tiruvannamalai District.

6. The Transfer Civil Miscellaneous Petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



WEB COPY



Tr.C.M.P.No.1167 of 2023

V. LAKSHMINARAYANAN,J.

Kj

To

- 1.The VI Additional Principal Judge, Family Court at Chennai.
- 2.The Subordinate Judge at Cheyyar, Tiruvannamalai District.

Tr.C.M.P.No.1167 of 2023
& C.M.P.No.27908 of 2023

24.01.2025