



Tr.C.M.P.No.1241 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.1241 of 2024
and C.M.P.No.26939 of 2024

Dhanapriya

.. Petitioner

Vs.

Gopi

.. 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.412 of 2023 on the file of the learned Family Judge at Chengalpattu and transfer the same to the learned Sub Court, Sirkali, Mayiladuthurai District.

For Petitioner : Mr.S.M.Santharam

For Respondent : Mr.W.M.Abdul Majeed

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of H.M.O.P.No.412 of 2023 from the file of the Family Court,



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Chengalpattu and transfer the same to the file of the Sub Court, Sirkali, Mayiladuthurai District.

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

3.The petitioner married the respondent on 21.08.2022. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.412 of 2023 for divorce before the Family Judge at Chengalpattu. Pleading that the wife is residing in Sirkali and unable to travel from Sirkali to Chengalpattu, 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 Sirkali and Chengalpattu is considerable and since it will be difficult



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for the wife to travel to attend the Court, I am inclined to accept the transfer.

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5. Accordingly, H.M.O.P.No.412 of 2023 is withdrawn from the file of the Family Court, Chengalpattu, and transferred to the file of the Sub Court, Sirkali, Mayiladuthurai District.

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, Chengalpattu.

2. The Subordinate Judge,
Sirkali, Mayiladuthurai District.

V.LAKSHMINARAYANAN, J.



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